

VIOLENCE ON TELEVISION

HEARINGS
BEFORE THE
SUBCOMMITTEE ON
TELECOMMUNICATIONS AND FINANCE
OF THE
COMMITTEE ON
ENERGY AND COMMERCE
HOUSE OF REPRESENTATIVES
ONE HUNDRED THIRD CONGRESS
FIRST SESSION

MAY 12, JUNE 25, JULY 1, 29, AND SEPTEMBER 15, 1993

Serial No. 103-79

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VIOLENCE ON TELEVISION

WEDNESDAY, MAY 12, 1993

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
SUBCOMMITTEE ON TELECOMMUNICATIONS AND FINANCE,
Washington, DC.

The subcommittee met, pursuant to notice, at 9:08 a.m., in room 2123, Rayburn House Office Building, Hon. Edward J. Markey (chairman) presiding.

Mr. MARKEY. Good morning and welcome to the Subcommittee on Telecommunications and Finance and its oversight hearing on the issue of television violence and its impact on children.

I confess to you that I am a bit discouraged about this subject. The subcommittee held hearings in both 1977 and 1981 to explore public concern about violence on television. On both occasions the industry proposed to take steps to deal with the problem. Unfortunately, despite efforts to strengthen voluntary industry codes, it appears the problem has not been effectively addressed.

The passage of the Television Violence Act in 1990 under the leadership of Senator Simon gave all of us renewed optimism that the industry might begin to control the epidemic of violence on television. Yet 3 years later we find ourselves in the throes of yet another prime time crime wave as the May sweeps brings us another month of murder and mayhem.

Clearly the industry has not gotten the message. A recent study of just 10 channels by the Center for Media and Public Affairs found more than 1,800 violent acts during just 18 hours of programming, more than 10 violent acts per hour. Other surveys of violence on television have found that the average network prime time program contains 5 acts of violence, while the average network children's program contains 26 acts of violence.

Today, the average child spends more time watching television than in the classroom. As a result, television has become an "electronic teacher" for many children. The question we must answer today is: if the electronic teacher delivers a daily dose of violent, antisocial behavior, what will happen to our children and what will happen to our society?

I am confident that everyone here today is as troubled as I am with the epidemic of violence in America today. Just last month in my home State two people were murdered in suburban schools on succeeding days. Yesterday the Washington Post reported that a young Canadian apparently watched one of the "sweeps week's" programs and went out and mimicked the actions of the show's se-

rial killer. School principals in my district are requesting Federal funding for metal detectors in their schools.

Our witnesses today will demonstrate that TV violence does play a role in this epidemic, that the impact of it is real and significant. Even if television is only one of many factors that leads someone to pick up a knife or a gun and go looking for a victim, this does not, this cannot mean that we should do nothing to deal with that one factor. If we can agree that TV violence is a significant factor, then we should do something about it.

Our response must be more than just advising parents to turn off the television. Parents can always be policing the airways if they have nothing else to do, but most parents have more than enough to do than sit in front of the television set all day long. And more to the point, the public has a right to demand better from television programming delivered over the public spectrum, and parents have a right to have their children protected.

The more parents know in advance about which shows are violent, the better equipped they will be to perform the parental role of choosing suitable television programming for their children.

That is why I believe the industry should consider adopting a rating system for TV violence similar to the popular rating system already in use for the movie industry. I also believe we should consider requiring television sets sold in the United States to incorporate technology to block channels or programs that parents deem too violent for their children.

There are other steps we should consider. Cable operators should end the practice of unscrambling the signals of R-rated movies for promotional purposes. Networks should stop showing promotions for violent shows during children's programming. And I am sure our witnesses will have other valuable suggestions.

Today we will explore the links between television and society. It is a powerful medium. We should harness its resources for the betterment of society. The information age gives us the power to learn about ourselves and our world, the ability to empower people and to bridge the gaps that separate us. Today we begin the task of creating a national dialogue between parents and programmers, physicians and broadcasters, about the role of television and the hope of our children.

That completes the opening statement of the Chair. The Chair recognizes the gentleman from Ohio, Mr. Oxley.

Mr. OXLEY. Thank you, Mr. Chairman, for holding this hearing today. And I agree with you that television violence has reached disturbing levels. We need to take a serious look at the issue. I look forward to hearing the testimony of this expert panel, and also welcome our friend from Illinois, Senator Simon.

I am also looking forward to hearing what the broadcasters have to say about this issue. All of us realize that the violence pumped into our homes will have a profound and detrimental effect on children. However, I don't think we know the broadcasters' motivation behind distributing this gratuitous violence. My colleagues on the subcommittee are all too well aware of the fact that we recently completed a debate on competitive bidding for spectrum. That was, as a matter of fact, just yesterday. I am sure that all of us heard from the representatives of the broadcasting industry early in the

deliberations that broadcasters must be exempt from the bidding. After all, they perform a public service and therefore should be given their spectrum.

What is public service, though? Does the public, especially younger children, need to see the multiple versions of "The Amy Fisher Story" during prime time? Is it public service to air endless mini-series about wives killing husbands or children turning into ruthless killers? In fact, I was shocked at the public service inclinations of one network. Even before the incident in Waco culminated in tragedy, this network began filming their version of it. I am sure that the producers and directors of this movie use multiple angles and slow motion to capture the unfortunate deaths of the ATF agents and the Branch Davidian members.

I find the transparency of the broadcasters' programming choices very disturbing. During sweeps weeks they begin to program even more outlandish and violent movies. The weekly series become more violent so as to attract more viewers. Of course, the latter tactic is not necessary. The weekly series are already extremely violent. In fact, I remember an interesting statistic about "Miami Vice," that long departed lamented show. Apparently more people were killed on the set of "Miami Vice" during any given season than the total number of deaths within the actual Miami vice squad's realm since the latter's inception. Is there any excuse for this? We will find out in a number of weeks when the broadcasters testify. However, now we will focus on the toll that this violence takes on our Nation's youth.

Mr. Chairman, I know that the networks wouldn't be so crass as to hire lobbyists because that would certainly be unethical. But I would hope that our message somehow will get back to the broadcasters and the networks that we are absolutely serious about this issue.

And I yield back the balance of my time.

Mr. MARKEY. The gentleman's time has expired.

The gentleman from Oregon, Mr. Wyden?

Mr. WYDEN. Thank you, Mr. Chairman. I want to commend you, Mr. Chairman, for your longstanding leadership on this issue and particularly tell you how appropriate I think it is that you are holding this hearing this month. The fact of the matter is that May ought to be called National Glorify TV Violence Month, and if I might paraphrase a Los Angeles Times article that addresses this issue, you can see what this month is about as it began May 3rd with the "Black Widow Murders" and "Murder in the Heartland," move to May 7th, "Visions of Murder" on NBC; May 18th, "When Love Kills;" May 19th, "The Case for Murder"—the month goes on and on, and I think that this month clearly demonstrates that these voluntary guidelines are a sham. They are a farce. They are an effort by the national networks to pretend that they are taking action in this area and they are not, and the fact is if these guidelines meant anything we wouldn't see such a bloody binge right in the month of May, as the Los Angeles Times article mentions.

The last point that I would want to mention, Mr. Chairman, is that what I think is especially troublesome about the networks' approach in this area is their refusal to offer a sensible balance to viewers in this country, particularly on the commercial networks.

Every one of those shows that I mentioned shows up on a commercial television network, and at the same time in the last few years everyone of the commercial television networks, everyone of them has walked away from any effort to offer good, wholesome preschool television programming for youngsters. In fact, they have actually slipped backwards. Over the last decade they have gone backwards in terms of offering good programming to kids. I think many of our colleagues remember such shows as "Captain Kangaroo" that I watched, and I would like to conclude with something that developed at one of your previous hearings, Mr. Chairman, when we had speaking for the National Association of Broadcasters Mr. Paul Lecamera, and I asked him if he would be willing on behalf of the NAB to support legislation that I introduced last session with you and Congressman Price requiring the commercial television networks to offer one hour a week, one hour a week of sensible preschool programming for youngsters, and Mr. Lecamera, on behalf of the NAB, said that legislation went too far.

So what we are seeing is the NAB says that youngsters in this country aren't entitled to one hour of good preschool programming a week, yet in the month of May we can have a tidal wave of violence and murder and bloodshed across the network airwaves and that is very acceptable.

Mr. Chairman, I look forward to our hearing and to working closely with you. I think this is a very important problem and I appreciate your attention. And I want to wrap up by saying that I especially admire what Senator Simon has wanted to do in this area for many, many years. One of the claims to fame in the Wyden household is my father wrote one of the first big newspaper stories on Senator Simon, and he has been committed to this area and to the Nation's youngsters for many, many years, and I look forward to working with him and our colleagues to drain this swamp because this is a shameful situation and one that needs to be addressed.

Mr. MARKEY. The gentleman's time has expired.

The gentleman from Texas, Mr. Fields?

Mr. FIELDS. Thank you, Mr. Chairman. I want to commend you for holding this hearing on TV violence and its impact on children, and to tell you how much I appreciate your emphasis on children's programming.

I think we are all in agreement that the amount of gratuitous violence on television has increased to an alarming level. As we learned in our hearing last March on children's television, children spend an enormous amount of time in front of the television, many as much as 20 hours a week, and there can be no doubt that television has an enormous and profound effect on our children, much of which is undeniably positive.

Indeed, as Mr. Centerwall points out in his article on television and violent crime, children, even as they get older, still view television as a primary factual source of information about the world. Unfortunately, much of the world, according to television, is a violent world. The American Psychological Association estimates a typical child witnesses 8000 murders and a hundred thousand acts of violence on television before finishing elementary school. Mr. Chairman, these statistics are shocking and they are alarming.

Today, our distinguished panel of witnesses will explore the correlation between children viewing violence and aggressive behavior. There is certainly both statistical and anecdotal evidence to support such a connection. For example, yesterday's Washington Post details a story of a double murder committed by two Canadian teenagers shortly after watching an ABC miniseries dramatizing similar killings by teenagers. Clearly such examples suggest that television violence has an influence on aggressive behavior.

In 1990, Congress enacted legislation waving the antitrust laws to let the television networks to voluntarily establish standards with respect to the depiction of violence on television. Mr. Chairman, I am pleased that the television industry recognizes the gravity of the problem. Last September, the three major networks—CBS, NBC, and ABC—developed a set of guidelines designed to control and limit the use of gratuitous violence.

The programming industry has also recognized that violence needs to be reduced. Next summer, the programming industry, Hollywood, networks, cable programmers and independent stations will meet to discuss how violence on television can be reduced. I am encouraged by the response of industry, and I look forward to hearing the reaction from today's witnesses with respect to the efforts made by the television industry thus far and what first steps they believe are necessary.

Finally, Mr. Chairman, I would like to remind all of us that the ultimate control and responsibility over what our children view on television rests with us as parents. And again, I want to commend you for your leadership in bringing this topic for our discussion today, and I yield back the balance of my time.

Mr. MARKEY. I thank the gentleman. The gentleman's time has expired.

The gentleman from Texas, Mr. Bryant.

Mr. BRYANT. Thank you, Mr. Chairman. I would just like to express my utter contempt for the network executives whose representatives are here today. I think I know their representatives well from having worked with you for many years.

When your people come forward to testify here, I guess here maybe in June, I would suggest they not waste their time telling us all about the difficulties that they have had in trying to deal with this programming issue.

It is, in my view, an absolute, thorough-going outrage that you people have let this go on this long. I don't believe you want your kids watching this and I suspect that you make an effort—you might make an effort to prevent them from watching these programs that you make money by providing to everybody else in the country. It is sickening, in my opinion, what you put on television.

It is an absolute outrage. You know it is an outrage, yet year after year you let it go forward. I don't know that I see any hope that these guys operating under Senator Simon's bill are ever going to do anything about it. There has been no indication they will. Mr. Wyden just made the case, pointed out very graphically that they have not done much about—have done very little about children's programming in spite of mandates we have attempted to pass here to encourage it.

The connection between the programming you put on and random violence in the society is very, very clear. I just think it is an outrage. I think, basically, that Mr. Tisch and that the people that run ABC Cap Cities, or that run ABC, I should say, General Electric, the chairman of the board of General Electric or whoever runs NBC now—you guys are just exactly the same, no different whatsoever than people that make money by trying to convince America to smoke cigarettes. Go to bed at night and wake up in the morning and figure out how can I convince somebody else to light up a Marlboro. You are doing exactly the same thing. It is an outrage, and I think it is time that we just started to calling it an outrage.

Frankly, Mr. Chairman, I am willing to go a whole farther than this 1990 Act to see that it stops. The damage being done to society I think is probably not able to be calculated and it is up to us to do something about it. And I don't think we ought to waste any more time hearing from all of these Gucci-clad network executives that are going to come in here and tell us that they are going to have some meetings in about 6 months and sit around and talk about ways in which they can do this without trampling on somebody's First Amendment rights.

I don't think First Amendment rights are at issue here. I think what is at issue here is whether or not we can expect to see any semblance of responsibility from network executives and network owners, by the way, who probably ought to be the ones to be forced to come before this committee. I don't expect to see any. I haven't seen any in this department in my 10 years here, and I think we ought to consider far stronger action even than what we have considered in the past.

I yield back my time, Mr. Chairman.

Mr. MARKEY. The gentleman's time has expired.

The gentleman from Kansas, Mr. Slattery.

Mr. SLATTERY. Thank you, Mr. Chairman. And I, like my other colleagues today, commend you for calling this hearing. I think it is a very important matter that we are about to address, and I also certainly appreciate the leadership of our friend from Illinois, Senator Simon, over the years in this effort.

Findings over the last 20 years by three different Surgeons General, the Attorney General's Task Force on Family Violence, the American Medical Association, the American Psychiatric Association, the American Academy of Pediatrics, and other authorities indicate that viewing television violence is harmful to children. Americans watch enormous amounts of television, as we have already heard and as we all know, and many children, regrettably, watch more television—in fact, twice as much time spent watching television as time spent in school.

Many children watch violent television programs without adult supervision or guidance. Watching aggressive behavior clearly causes children to become more aggressive, and this effect has been isolated from other factors. In one study scientists found that childhood television viewing patterns are a better predictor of later adult aggression and criminal behavior than social class, parental behavior, child-rearing practice, intelligence, and many other variables. The evidence is absolutely incredible.

Many studies of entire societies conducted on small and large scales show that violence and homicide rates increased dramatically after the introduction of television into a community. More than 20 years of research such as this has led to a consensus that watching televised violence increases children's aggressiveness and desensitizes them to the effects and implications of violence. The solidity of the agreement among respected scientists that televised violence is harmful nullifies arguments to the contrary by the television industry.

Many other countries, including Canada, Great Britain, South Africa, Belgian, Finland, Australia, New Zealand, and France, have taken action to combat the problem of television violence. Mr. Chairman, it is high time this country recognizes we have a serious problem with television violence in the living rooms all over America. To address it will require the cooperation of policymakers, television executives, broadcast executives, network executives, and certainly parents.

In conclusion, I would also observe that whether we like it or not and whether the television executives and network executives want to acknowledge it or not, the fact is that today television does an awfully lot in this country to define what is socially acceptable behavior. Whether we like it or not, that is the fact.

And I think that we have to acknowledge that there is another very important social problem that I think television holds a great responsibility for too, and it is teenage pregnancy. It is one of the great problems plaguing our society today—children having children—and it doesn't take a rocket scientist very much time to conclude after watching a little bit of television that children on television are encouraging and condoning a lot of the kind of sexual behavior that is disastrous for our young people in this country, and it is high time that we condemn that also. And I would hope that at some time in the future the Chair will hold another hearing to address the question of sexuality and how it is portrayed in all of its dimensions on television too.

Mr. Chairman, thank you again. I look forward to hearing the testimony of the witnesses today.

Mr. MARKEY. The gentleman's time has expired.

The gentlelady from Pennsylvania.

Ms. MARGOLIES-MEZVINSKY. I thank you, Mr. Chair. I also would like to add my accolades. I think it is about time that we discuss this, that we bring it out into the open. I think that it is fairly clear that voluntary guidelines are not working the way that we would like them to. I fear that children become almost numb, that there is the so-called novocain effect to their reaction against violence.

And I agree with my colleague that TV does define what our society is all about, and I hope that we can be part of that definition—that redefining of the definition.

I thank you.

Mr. MARKEY. The gentlelady's time has expired.

All time for opening statements has expired. We will now turn to our first witness, and I want to pay particular attention to our first witness today, Senator Paul Simon, who along with Representative Dan Glickman authored the Television Violence Act of 1990.

Senator Simon has nudged and knocked heads with just about every person in the television industry in the cause of reducing the amount of violent programming on television. His persistence has led to the adoption of voluntary guidelines by the three networks which everyone of us has welcomed. We look forward to Senator Simon bringing us up-to-date on the progress that he has made and any recommendations which he would make to us here on the House side in terms of actions which we could take.

It is an honor to have you here, Paul. Welcome.

STATEMENT OF HON. PAUL SIMON, A U.S. SENATOR FROM THE STATE OF ILLINOIS

Senator SIMON. I thank you very much, and it is a pleasure to be with my former colleagues, with the exception of the gentlewoman from Pennsylvania. I didn't serve with her, but I did serve with her husband Ed Mezvinsky back quite a few years ago.

I would like to ask unanimous consent to enter a formal statement in the record.

Mr. MARKEY. Without objection, so ordered.

Senator SIMON. First, I welcome this hearing. I think the most attention we can focus on this issue the more likely we are to come up with some sensible answers.

I got into this very accidentally. I checked into a motel one night in Lasalle County, Illinois, turned on my television set, and someone was being sawed in half by a chain saw. Now, I am old enough to know it was not real, but it bothered me that night. And I thought, What happens to a 10-year-old who watches this?

I called my office the next day and I said, Someone has to have done some research, and I found that there was a great deal of research that the American Academy of Pediatrics, you know, various groups—the National Institutes of Mental Health twice issued warnings about what television violence is doing in our society.

So I called representatives of the television industry to my office and I said, I am a card-carrying member of the ACLU—to use George Bush's phrase. I don't want government censorship. Incidentally, there are only three countries in the world that do not have censorship on television and movies: Germany, Japan and the United States, and I think this is a plus if we act responsibly. I want to keep our television and movies as free as possible.

But I called a meeting and the vice president of one of the networks said, Well, we have research showing that television violence doesn't do any harm, and I said, You remind me of the Tobacco Institute people who come in here and say they have research showing that cigarettes don't do any harm. There is no question about the harm.

The question is what do we do about it? And then they said, We can't get together to establish standards. It would violate the anti-trust laws. And so I introduced the legislation, which Congressman Glickman introduced over here, and I might add we ran into the opposition of the television industry to the legislation. We finally got it passed, and I think we are—if I can strike a cautious note of optimism here, I think we are making some headway. It has taken more time than it should, but there is a growing awareness on the part of the industry that we have to do something.

In December they came to me with the standards that have been referred to here. Those standards will apply for the first time for the Fall programming of this year. Don't apply to reruns. Don't apply to some other things. But that, it seems to me, is some progress.

And I would like to make clear, when I talk about standards here I am not talking about news coverage and news violence. Yes, I do think some of the news shows stress how many murders and rapes and so forth too much, but there is a sharp difference between entertainment violence and news violence. Entertainment violence glorifies violence. News violence, what we see from Bosnia, for example, is grim, but it doesn't glorify violence. There is a huge difference.

Anyway, the broadcast industry, they have now established standards that are, frankly, fairly subjective. Now, what is gratuitous violence? Well, we may differ on that. They are not, for example, as the British standards, very clear. Cable is inching forward, I hope will do a responsible job. Cable and the broadcast industry are hosting a meeting August 2nd in Los Angeles, and I would urge that some of the members of this committee be at that meeting, where the television industry and cable together with the movie industry are coming together.

Jack Valenti called and said that they are inviting several hundred movie producers to this meeting in Los Angeles, and I have had a couple of meetings with Jack Valenti, because the movie industry is aware that this is a problem. And, I might add, the Screen Actors' Guild, which is not some ultraconservative organization—the Screen Actors' Guild has gone on record saying we have too much violence in our television and our movies. I am hopeful out of the August 2nd meeting something solid can come forward.

Congressman Wyden mentioned children's programming. It is very interesting. One children's program has two versions: one for the United States that is more violent; the second is for the rest of the world. You know, that says something is wrong with our standards, and, frankly, our good taste.

The current issue of the New Yorker quotes Hollywood producer Lawrence Gordon: "I'd be lying if I said that people don't imitate what they see on the screen. I would be a moron to say that they don't because look how dress styles change. We have people who want to look like Julia Roberts, Michelle Pfeiffer and Madonna. Of course, we imitate. It would be impossible for me to think that they would imitate our dress, our music, our work, but not imitate any of our violence or other actions." He is absolutely correct. And a couple of you mentioned yesterday's Washington Post article which cites that again.

Not only do children watch an average of 27 hours of television a week, that you have already mentioned, but in inner city areas, areas of high crime they watch, according to the American Psychological Association, as much as 11 hours a day. The areas where we need more constructive answers.

Dr. Centerwall is going to be one of your witnesses. I have not met him but I read his research that was printed by the American Medical Association in their Journal. Let me just quote one quote from it:

Long-term childhood exposure to television is a causal factor behind approximately 10,000 homicides annually. If, hypothetically, television technology had never been developed there would be 10,000 fewer homicides each year in the United States, 70,000 fewer rapes, and 700,000 fewer injurious assaults.

That is pretty powerful medicine. Even if he is wrong by 50 percent, that is pretty powerful medicine.

I could go on. It is clear the public knows there is too much violence on television, and some people say, Well, the public also watches the violent programs. No question about it. There is inconsistency in the public attitude. But they want television violence reduced, and 80 percent, according to the Times-Mirror poll, believes that television violence causes violence in our society.

The inconsistency, we get it ourselves from the public. They want to get rid of the deficit, but they also want lower taxes and more services, and we have to make some judgments. And the television industry is going to have to make some responsible judgments.

What encourages me, frankly, is the fact that not simply the standards, but when Howard Stringer, the president of CBS Broadcasting, says, "Let's face it, we're part of the problem," then I think we're making some headway. And I hope other executives are going to be moving in the same direction, and I think there is some movement in that direction.

Finally, two other points and then I will be happy to answer your questions. One of the things I hear frequently from people, Well, parents ought to watch what their children watch on television. They ought to be the guide. First of all, I always ask that person who says that, Are you a parent yourself? and almost inevitably that person is not a parent of a child who is of the age where you can be watching television.

Our own experience in my family is we tried to be careful as to what the kids watched. Well, what do they say? They want to go over to the neighbors. You are going to say, No, you can't go over to the neighbors? You know, it just is not a realistic answer. And for a lot of single parents who live in the inner cities the television set becomes almost a babysitter frequently.

And then one of you touched also on a problem that I have discussed with the television industry a little bit. Some of those violent television, or these 30-second promotions of movies or other things that are coming up, that is one of the areas that clearly higher standards are needed.

I would be happy to answer any questions that you may have.
[The prepared statement of Senator Simon follows:]

STATEMENT OF SENATOR PAUL SIMON ON TELEVISION VIOLENCE

Any parent knows that children imitate what they see and hear. I see that in my three-year old granddaughter. Clearly, this truth becomes more significant with the additional influence of television. While television can appeal to the best in us, television entertainment violence too often appeals to the worst in us. Regardless of its intended impact, violence on television is absorbed and imitated - particularly by children and young adults - into our lives and into our culture. The most recent issue of the New Yorker quoted noted Hollywood producer Lawrence Gordon as saying:

"I'd be lying if I said that people don't imitate what they see on the screen. I would be a moron to say that they don't because look how dress styles change. We have people who want to look like Julia Roberts, Michelle Pfeiffer and Madonna. Of course we imitate. It would be impossible for me to think that they would imitate our dress, our music, our look, but not imitate any of our violence or our other actions."

Numerous studies have addressed the question of just how much television our children are watching and how violent it is. I'd like to share with you some of the most recent findings:

"It is estimated by the time youngsters graduate from high school, many of them will have watched television 22,000 hours, compared to only half that number spent in school. By eighteen, young people will have been exposed to as many as 18,000 televised murders and 800 suicides," (Fred Hechinger, *Carnegie Council on Adolescent Development*, 1992).

The American Psychological Association cited a similar statistic: "The average child witnesses 8,000 murders by the time he/she graduates from elementary school and witnesses more than 100,000 assorted acts of violence," (*Big World, Small Screen: The Role of Television in American Society*, 1992).

Children watch on average 27 hours per week of television, and in the inner city, the number increases to as many as 11 hours a day!, (*American Psychological Association*, 1992).

"An average of 80.3% of all television programs contain violent acts, and a typical program includes 5.21 such incidents," (Fred Hechinger,

Carnegie Council on Adolescent Development, 1992).

1992 set an all time record for violence in children's shows: 32 violent acts per one hour during prime time. (1992 Gerbner Study for National Cable Television Association).

In addition to the shows themselves, promotions for violent theatrical films and made-for-television movies which run during family and children-oriented programming often contain violence. Also troubling is the new trend in television programming, reality-based television. These shows consist of re-enactments of real crimes and re-plays of actual violence and are especially confusing to young children who, as many studies show, have a difficult time distinguishing fantasy from reality.

While there are still skeptics who question the relationship between television violence and actual violence, the evidence seems clear and compelling. Hundreds of studies link violence on television with violence in our society and clearly document the effects of violent television on children's behavior. The American Psychological Association reported last year that "accumulated research clearly demonstrated a correlation between viewing violence and aggressive behavior--that is, heavy viewers behave more aggressively than light viewers. Children and adults who watch a large number of aggressive programs also tend to hold attitudes and values that favor the use of aggression to solve conflicts."

Dr. Brandon Centerwall, who I am pleased will be testifying today, published one of the most shocking studies in *The Journal of the American Medical Association* on June 10, 1992. He states that:

"Whereas infants have instinctive desire to imitate observed human behavior, they do not possess an instinct for gauging a priori whether a behavior ought to be imitated. They will imitate anything, including behaviors that most adults would regard as destructive and antisocial ...Up through ages three and four years, many children are unable to distinguish fact from fantasy in television programs and remain unable to do so despite adult coaching. In the minds of such young children, television is a source of entirely factual information regarding how the world works."

Dr. Centerwall concludes by saying: "Long-term childhood exposure

to television is a causal factor behind approximately 10,000 homicides annually...If hypothetically, television technology had never been developed, there would be 10,000 fewer homicides each year in the United States, 70,000 fewer rapes, and 700,000 fewer injurious assaults."

That's a very powerful and hard to believe conclusion. But it was just as hard to believe the harm that cigarettes cause when medical researchers first came out with those studies years ago. Suppose the study is 50% off target. That still suggests that by changing our television programming we could eventually prevent 5,000 murders a year, 35,000 rapes and 350,000 assaults. Even if the study is 90% wrong, we could save 1,000 of those murdered and prevent 7,000 rapes and 70,000 assaults each year, simply by changing our television programming.

According to Harvard University Psychologist Ron Slaby, the harm caused by violence in the media goes beyond increasing aggression. Youngsters also experience a "victim effect" (increased fearfulness of becoming a victim) and a "bystander effect" (increased callousness toward violence directed at others). (*CQ Researcher March 26, 1993*).

The public agrees that there is too much violence on television. A March 1993 Times-Mirror poll showed that **72% of Americans think that television shows contain too much violence. 80% of those surveyed felt that violence was harmful to society.**

The industry too is beginning to recognize there is a problem. Howard Stringer, President of the CBS Broadcast Group, admits that "it is hard not to think that [broadcasters] had some role" in making the U.S. a more violence nation. I am pleased that Mr. Stringer and some of his colleagues will be testifying at a hearing I am holding on this subject on May 21.

Six years ago, I asked representatives from the television industry to voluntarily establish standards on violence. They told me they could not work together as an industry because they would be in violation of the antitrust laws. Congressman Glickman and I pushed through Congress the Television Program Improvement Act, a three-year exemption to the antitrust laws, so that the industry could get together and establish standards. The Act became law in December of 1990.

I am pleased that the three major networks have agreed upon joint standards on violence on television. I am hopeful that these standards will be evident in the fall programming of 1993. The three networks are also calling an industry-wide conference in Los Angeles this summer to discuss the issue further. Jack Valenti has indicated that the movie industry will also participate in the conference.

The cable industry also has made some progress. Pursuant to the Act, the National Cable Television Association commissioned a study on entertainment violence on cable television which was led by George Gerbner from the Annenberg School for Communication at the University of Pennsylvania. They recently issued that report along with a general policy statement on entertainment violence and have asked member networks to examine their own individual standards. They have also agreed to participate in the summer conference.

While some progress has been made, the violent shows broadcast during this month's "sweeps" are evidence of the fact that more must be done. As Tom Shales, the movie critic for the Washington Post, noted: "The networks in their madness are going to put America through the wringer with one bloody mess after another this month...". Howard Rosenberg, the movie critic for the Los Angeles Times described it this way: "It is a time when much of prime time again will resemble Murder, Inc....it starts with a bloody binge that yields not one, not two, not three, but a whopping 11 bodies."

Yesterday's Washington Post reported on what could be one of the most tragic consequences of this "bloody mess". The Post reports that ABC's "Murder in the Heartland" may have prompted 18-year old Canadian James Phillip Bridson to murder his former girlfriend's mother and brother, and to wound her younger sister. While I, of course, can not say that the miniseries caused this brutal murder, the story gives me pause. And in combination with other incidents it is very troubling. I have attached a copy of the Post article for the record.

I believe a free society can solve its problems without government censorship. In fact, only three countries do not have government censorship: Germany, Japan and the United States. I think this is something we should be proud of. An aroused public, however, may ask for just that. A much preferred method is for the industry to regulate itself. One of the leaders in the television industry said to me a few weeks ago that television has a tremendous potential to do great good. I strongly urge the industry to seize the opportunity and achieve that goal.

Mr. MARKEY. Thank you, Senator, very much. An excellent job. Are there any questions that any of the members would like to ask?

The gentleman from Texas, Mr. Fields?

Mr. FIELDS. Senator, I want to give you a chance to elaborate on something you said just a moment ago, and to make sure I understand. I think I know what the answer is. But, you know, you talked about censorship. You don't envision a time or a situation where censorship would be an option, do you?

Senator SIMON. No. I do not favor it. I think we have to find answers that are short of censorship. But I have to add I think if we do not come up with responsible answers I think we are going to go the way of Britain, Canada, France, and a great many other free countries that do have some form of censorship.

I think the answer is not censorship. The answer is having a sense of responsibility and good taste and for the industry to establish standards. And, everybody has the standards—a little bit like an agreement not to have nuclear weapons. If no one has nuclear weapons, no one can take advantage of the situation. If we establish certain standards on violence, no one is going to be hurt financially.

Mr. FIELDS. Let me ask you, since you have taken the lead on this issue, and assuming that this does not work or does not work to the degree that some would hope, that this voluntary time period, you know, would provide a solution, what is the next step?

Senator SIMON. Well, I think the next step is, Now, let's see what happens in the Fall programming. The networks have assured us that we are going to see a change. Let's see what cable does. Cable is inching forward; frankly, not as fully as I would like to see them move forward. Let's see what happens. Let's see what happens at this meeting on August 2nd.

And again, I think it would be healthy, Mr. Chairman, if you and a few members of the committee could be at that August 2nd meeting in Los Angeles, where the industry is coming together on this question.

Mr. FIELDS. Thank you, Mr. Chairman.

Mr. MARKEY. Let me ask, Paul—you know I mentioned and I am personally considering the issue of a rating system that would then be of use to parents to give some guidance to their children. What are your views on that issue?

Senator SIMON. I have some mixed feelings, frankly. It may be a good thing. I guess someone really ought to study it.

I think the ratings have worked for the movies, though even in the moves there are, for example, very clear indications that teenagers, for example, frequently want to—they are looking for the R-rated movie rather than for the movie with a different rating. So I have some mixed feelings on where we ought to go on that.

Mr. MARKEY. And on the subject of whether or not we should pursue the idea of a technological blackout that is handed to parents so that they can knock out these programs and that we mandate that all television sets be constructed with this capacity, how would you feel about that?

Senator SIMON. I am more sympathetic to that, though that is, frankly, not a substitute for the industry, for television and movies, to say, We're going to do a more responsible job.

In addition to that, I think it is one of the things that ought to be looked at. Absolutely.

Mr. MARKEY. Just so you understand, what I have in the back of my mind, though, is some kind of system whereby with the V's on the television programs, you can have it preprogrammed with the software that parents would just be able to push their V block on their remote control and just knock out all the violent programs, if they would want to, and give the parents their First Amendment rights to keep this stuff out of their home. And so that would be kind of the simple empowerment that you would hand over to the parents in the same way that this subcommittee in 1990 mandated that all television sets be constructed with decoders for closed captioning, so that the 24 million Americans who are deaf or hard of hearing would have a capacity to be able to watch with their families their television, and that law is now on the books.

And for those 24 million Americans, they are now fully empowered with every television set manufactured in America from now on. Similarly, perhaps, parents should be given this same power to protect their children.

Senator SIMON. Yes. I think it is something that should be explored. I guess I have the fear that the homes that need it the most are the homes that may not utilize it, and that is why it should not be a substitute for saying to the industry, You have to reduce the violence level.

Mr. MARKEY. The thought, though, is that if the homes that did use it start blocking—if 10 or 15 percent of the homes in America started knocking out all the programming, the broadcasters would soon begin to adjust their attitudes.

Senator SIMON. Very good point.

Mr. MARKEY. The gentleman from Oregon.

Mr. WYDEN. Thank you, Mr. Chairman. Paul, thank you for your excellent job, as always.

I would put my positions down at this point as definitely a no on censorship; definitely skeptical about anything voluntary, and I think you heard my views on that, not the least of which is while they are discussing the guidelines, and I guess adopting them now to go into effect in the Fall, we see this murderous month of May when they could have made a difference right this month, and you don't need any voluntary guidelines to start trying to set an example for youngsters.

I am skeptical of what is voluntary against censorship and really come down enormously pro-Paul Simon. I guess what I want to ask you is whether you think that what this is really all about is just trying to get some balance in the TV viewing.

I mean my sense, for example, is if the networks would put even a fraction of the attention into good programming that was wholesome for youngsters that they put into all these violent shows that would be a very significant step in the right direction, wouldn't it?

Senator SIMON. It would. But it does seem to me there are certain—that even with doing what you are just suggesting there are

clearly standards on violence that need to be established. We have to reduce the violence in our television. We imitate.

I have a 3-year-old granddaughter, if I may brag here. I see her imitate what's on television. We imitated what is on television, the good and the bad, and that includes the violence.

In my testimony, incidentally, I cite Harvard University psychologist Ron Slaby, who says "The harm caused by violence in the media goes beyond increasing aggression. Youngsters also experience a 'victim effect' (increased fearfulness of becoming a victim) and a 'bystander effect' (increased callousness toward violence directed at others).

Mr. WYDEN. When you look at the voluntary approach, what period of time do you think Congress should give to see the effects of that? Is a year appropriate to measure what takes place under the voluntary guidelines before other approaches are used? Or what is the appropriate time period?

Senator SIMON. I think we can start making a judgment this Fall. This Fall those standards are in effect. We should see what happens. And I would stress we have to look not only at broadcasting but also at cable.

Mr. WYDEN. Thank you, Mr. Chairman. And thank you for the good work you are doing.

Senator SIMON. Thank you.

Mr. MARKEY. The gentleman from Ohio?

Mr. OXLEY. Thank you, Mr. Chairman. And, Senator, we appreciate your leadership on this issue. And I must admit I come somewhat late to this issue, but I'm gaining in enthusiasm daily, in particular because of the work that you have begun along with the chairman of the subcommittee.

As you know, the networks subtly, and sometimes not so subtly, try to influence what happens here on Capital Hill through the news, through the so-called "infotainment" programming.

Have you ever seen any evidence of any effort at self-analysis among the networks, any shows or any news programs dealing with violence on television? Have you ever seen any kind of introspective kind of a study by "60 Minutes" or by some of the other programming that the networks put on that is investigative in nature?

Senator SIMON. I have not seen what you are talking about, the "60 Minutes" kind of exposure to this problem, and I think that would be a welcome thing. In response to Ron Wyden's question, that would be a very interesting thing for "60 Minutes" or "Prime Time" or one of these programs to do a real show on what television violence is doing to the country.

Mr. OXLEY. Do you think some producer would have the guts to do that?

Senator SIMON. Well, I have an idea there are some people listening to us right now and maybe someone will get the idea.

Mr. OXLEY. Thank you. Thank you, Mr. Chairman.

Mr. MARKEY. The gentleman's time has expired.

The gentleman from Texas or any other members have questions? The gentleman from Texas.

Mr. BRYANT. Thank you. Senator, first of all, I am delighted that you did this, and that you came this morning and that you passed this bill. But I am wondering if my impatience is misplaced.

According to our briefing papers here, we passed the bill in 1990. The paper then says that in December of last year—I presume it would be December of 1992—they agreed upon these guidelines. Is it not proper to be angry that they spent 2 years and came up only with these what I view as sort of meager guidelines?

Senator SIMON. Well, they were slow in responding. No question about it.

Mr. BRYANT. Two years slow.

Senator SIMON. No question.

Mr. BRYANT. Here we have the guidelines. They are real whoppers. Number one starts off with this: "Conflict and strife are the essence of drama and conflict often results in physical or psychological violence. However, all depictions of violence should be relevant and necessary to the development of the character role to the advancement of the theme or plot." Then they get real tough.

Here comes the tough one here. "Gratuitous or excessive depictions of violence are not acceptable."

I mean I don't—these are so thoroughly subjective they could be interpreted anyway, in a thousand different ways. And I assume, and correct me if I'm wrong, that if you violate these absolutely nothing happens to you. Is that correct?

Senator SIMON. That is correct. They are voluntary guidelines. And you are correct also in saying they are subjective. And if they were there by themselves, frankly, I would not be very encouraged. What does encourage me is, for example, a week ago yesterday I met with the CBS executives in New York. They are taking this seriously. What does impress me is when Jack Valenti tells me he is meeting with a number of movie producers to talk about this problem.

I think there is attention, and frankly, this is why a hearing like this is important. There is no question that some of our friends from broadcasting and cable are in the audience right here listening to what we have to say, and I think the message is very clear coming from you.

Mr. BRYANT. Well, I think the public ought to be extremely impatient, and the informed public about this topic ought to be angry at us for not being more realistic about this. These guys are not going to do anything unless we hold a club over their head. They are just not going to.

We haven't been talking about this just since 1990 when your bill passed. This was coming up for years prior to that time. I recall having meetings with industry executives and their lobbyists and bringing up the question of violence and sex on television, and the gratuitous nature of it. Nothing happens unless they are faced with a serious economic threat to them.

And I just think, if you have a better, informed opinion, I want to hear it. Because you probably know more about this than I do. I just think we are wasting our time steepling our fingers, and everybody starts every phrase with "For sure we're all against censorship." Well, of course. Everybody is against censorship. What that in effect says is, We are not really going to be very tough, or you

are saying, Don't get worried. We want to be invited to your parties. We want to be sure you think we are all with it. We want to be sure everybody in the movie and the broadcast industry thinks all of us up here on this committee are not in any fashion blue noses, and so we don't want to ever really get tough and speak harshly with them.

You know, I am tired of worrying about what they think. I am tired of seeing my colleagues worry about what they think. We ought to tell them we are not going to do any more. We are going to find a way to deal with this thing in a realistic way.

These guidelines are ridiculous. I mean maybe we will see an improvement in the Fall. I don't know. I haven't read of anything that would indicate we are going to, and certainly our history in dealing with these people in this industry has been that they don't do anything until they are forced to. Even when we force them, it is hard to get them to do anything.

We passed the Children's Television Act last year, you know. What have we gotten for it? I guess it has been almost 2 years now. What have we gotten for it?

I don't know what the answer is. I think we have got to search for something far beyond this, and the fact that Jack Valenti, who is a great fellow and a great host, happens to be having meetings is to me completely irrelevant. And the fact that these network executives say they are having meetings is completely irrelevant. I mean their record is terrible. They ought to be ashamed of themselves, and we ought to treat them like they ought to be ashamed of themselves until they act like the American people deserve for them to act.

Mr. MARKEY. The gentleman's time has expired.

The gentleman from California, Mr. Moorhead.

Mr. MOORHEAD. Thank you. And, Senator, it is good to have you back here in the House.

Senator SIMON. It is good to be back with my old colleagues.

Mr. MOORHEAD. You are working on a very good issue because it is one that does affect the lives of our kids and the lives of each one of us in the streets. We are having so much trouble with crime.

You know one thing that the movie industry and others should learn, the two biggest moneymakers in the last couple of years have not had a lot of violence in it. "Beauty and the Beast" and "Aladdin" are by far the best moneymakers that we have had around, and a lot of other movies that have no violence in them at all have done very, very well. The public does buy nonviolent movies.

I think there is a major difference in the kind of violence that is there. For many years we had the cowboy movies where you would see shooting at a distance. Now, they blow the person out of the water, and that violence is bound to have an adverse effect on the kids that watch it.

You know, distant violence or impersonal violence is something that is like water off of a duck's back. But when you see up-close, very personal sex and violence and all that kind of thing it has to have a major reaction on the people. They can tell the story without it.

I agree that a lot of movies require some kind of action. But there is a big difference of whether you make such a personal action that it frightens and affects the psyche of the kids or anyone else that may be watching it. I think if we worked on reducing that kind of violence we could sell it pretty well to the movies and others because economically they would do just as well.

Senator SIMON. I think Carlos Moorhead makes a very important point. If you have creativity you can have good movies that make money without all the violence. Yes, violence is an inexpensive way of attracting a lot of viewers. But you can have murder mysteries—"Murder, She Wrote" is a murder mystery, but you don't have things on there that are offensive. "Columbo" was a series that ran. Had great audiences. You had the conflict. You had murder mysteries. We can deal with questions like that without having the kind of desensitizing things that you are referring to.

Mr. MOORHEAD. Thank you. And I want to commend you along with the others for the work you are doing.

Senator SIMON. Thank you.

Mr. MARKEY. The gentleman's time has expired.

Any other member seeking recognition at this time? The gentleman from Virginia, Mr. Bliley.

Mr. BLILEY. Thank you, Senator. Thanks for coming over.

I want to follow up what the chairman said. He talked about having technical means to allow the parents to block out this stuff. I hope if we do that we would have more success than I had when I required the cable operators to offer parents a lockbox so they could prevent this kind of stuff from coming. They all offer it, but they have very few takers. Very few. So I don't know how we reach it.

I think that we need to do—I have a very good friend in Richmond whose son, same age as my son, who dropped out of school and college, and he was watching these things all the time. He is now serving 25 years for armed robbery in Virginia, and I wonder what effect these films had on his behavior. It certainly wasn't something he learned in the home or anything like that. So you wonder.

And, obviously, it certainly doesn't help, and with all of the slaughter that we have on our streets today and how cheap life is. I commend you for what you are doing.

Thank you, Mr. Chairman.

Mr. MARKEY. The gentleman's time has expired.

Just to make the point, right now many people have to go out and buy a lockbox in order to put it on their set. What we are talking about here is just mandating a technology that has to be built into every television set in the same way we did for the closed caption decoder back in 1990—which we were told, by the way, by the industry, it would cost \$20 or \$30 a set to build it in back in 1989 and 1990. They were sitting out here with crocodile tears. Well, it is down to about 25 cents per set, they just build it in automatically now, and every television set being manufactured in America has this built in.

And so technologically empowering families is something that we can, I think, talk about.

Mr. BLILEY. Well, I think so. But I had a son who could take 10 seconds with a screwdriver and he could get the world on the television with a cable. So we have got to make sure whatever we get is tamper-proof.

Mr. MARKEY. But you had a very, very, advanced 6-year-old in your house. We're talking in many instances about preschool and very early aged children.

The gentleman from Kansas.

Mr. SLATTERY. Thank you, Mr. Chairman. Very briefly, I just want to again commend you, Senator Simon, for being here today.

I would just conclude this part of our hearing by observing that as a parent of an 11-year-old and a 14-year-old I am terribly disappointed with the quality of television that they have an opportunity to watch on all the networks. And, as someone who sits on this committee, I am going to be keeping a close eye on exactly what the networks do this Fall, and I hope that other members of this committee, and I am sure they will, certainly, after this hearing, will be doing the same.

And I hope that the network executives, the broadcast executives, the Hollywood executives, movie-producing executives, creative people, understand very clearly that they have other business before the Congress and will have a lot of business before this committee in the years ahead.

And the members of this committee are going to be taking into consideration their conduct and the way they accept an awesome responsibility that they have to the American public as we make decisions in the future about what role they should play in the entertainment industry or in the broadcast industry or in the telecommunications industry. I am certainly going to be keeping it in mind. That is how strongly I feel about it.

So thank you, Mr. Chairman. And thank you, Senator Simon, for being here today.

Senator SIMON. Thank you.

Mr. MARKEY. The gentleman's time has expired.

The gentleman from Illinois, Mr. Hastert.

Mr. HASTERT. Well, I thank the chairman. I want to welcome the distinguished Senator from Illinois. It is certainly a pleasure to have you before us today.

I really think it is important what you are doing, and just having raised two sons myself almost to the point of accountability—you are never quite sure, but anyway I think it is an issue that I have struggled with as a parent. The gentleman from Ohio made the point that constantly society is being scrutinized by the major networks, the "infotainment." Certainly the institutions of government, Congress, and religious institutions are constantly being scrutinized, and yet one of the major factors that I think is at the developmental stages of how human beings, especially children, start to perceive that society is what they see through that tube.

I wonder in your studies have you seen or followed anything to indicate what the market says. I mean there are channels out there, especially on cable, the Family Networks, Nickelodeon, those types of things, that really do present a quality product for family consumption.

Are they competitive? What are the ratings? What does Nielsen say about those things?

Senator SIMON. I am not an expert in this field, but I think as long as you have the other things—I think before you got here, and I welcome my colleague from Illinois here, I mentioned there is an inconsistency on the part of the public. Eighty percent say we have too much violence on television, and yet if there is a violent program on people tend to watch. There is an appeal. There is a visceral appeal to this kind of stuff.

I don't think we can simply say there are good alternatives. That is good enough for us. I think we have to say there are things that violate good taste and that we have to do better.

Mr. HASTERT. Well, my point is, Senator, that we expect families to start to block out those types of programs if they have the option to do it at home for their children. They also have options for good things. You know, what is the percentage of those people making choices. That would be some interesting statistics to see.

Senator SIMON. Yes.

Mr. HASTERT. I would guess that probably the people who are making good choices for their children would also be the same people making those choices to block out the more negative types of programming, and I would like to see some of those statistics.

Senator SIMON. But you have things like "The Cosby Show," for example, that are good programming that have been popular. So you can put on good programming and get viewers.

Mr. HASTERT. Thank you.

Senator SIMON. Thank you.

Mr. MARKEY. The gentleman's time has expired..

The gentlelady from Pennsylvania.

Ms. MARGOLIES-MEZVINSKY. Thank you, Mr. Chair. And I welcome you, Senator Simon. Thank you for being here.

Senator SIMON. Thank you.

Ms. MARGOLIES-MEZVINSKY. There are two areas that I am actually interested in that we haven't touched on very much. One is the corporate area, and secondly, time; that is, the actual time on television that we see these things.

I am not so sure that our—our focus may be a little misguided in that we may be able to use financial incentives. Financial backing comes through commercials, through industry, through corporate sponsors. Perhaps there is a way that we can reach out to a much broader base of responsibility. The same corporations who seek to buy good will through giving to thousands of community-based projects finance violence on television.

Is there any way that we could, perhaps, reach out to corporations and start there?

Senator SIMON. I frankly don't know. One of my colleagues in the Senate has talked to me about introducing legislation that he is considering where you would ask the FCC to judge the number of violent acts in programs, no censorship, but also then indicate what corporations are sponsoring those programs.

Now, again I would—there is a fine line here. When do you get the heavy hand of government that is excessive? I would sooner see the industry this Fall—and I agree with Congressman Slattery we

have to watch very carefully what happens this Fall. I would sooner see the industry on a voluntary basis move in a solid direction.

But if there is not that movement, I don't think there is any question we are going to be looking at alternatives. And when you mention time, it is interesting, Professor Gerbner of the University of Pennsylvania who has done a great deal of research in this field, he said that when children are watching in the evening is when you have the most acts of violence on television, that 7 to 9 period is the worse period for TV violence, and even the Saturday cartoons. You look at those Saturday cartoons and you watch the reaction of children when somebody falls off a cliff. You know, they laugh when someone falls off a cliff. What is happening to their thinking in the process of this?

I am not a psychiatrist. I can't tell you the answer, but I don't think it is good.

Ms. MARGOLIES-MEZVINSKY. At least we can start the conversation, perhaps, with the corporations. I mean think of the value that could come out of a corporation having this conversation, saying we would like to be the leaders in holding down violence.

I agree with you, by the way, that those who say parents should be monitoring are generally not parents of children between the ages of 3 and 17. I think it is very important that our children are a part of today's speak, of today's conversation. You don't want your children to go to school and not know who the characters are, even if they are characters whom you don't want them to know.

What about saying to the television industry that with regard to time that we would like to make sure that in those hours, in those hours when we are not with our kids in the morning, in those hours at night when you see so much violence, that there can't be violence on television at that time without really saying that we are censoring?

Senator SIMON. Well, I think one of the ways of achieving what we are talking about is to talk a look at who buys the advertising and have some frank discussions with those people. Again, I would sooner not see government get too much involved in this, but I think if we don't get solid answers this Fall we are going to have to be looking at alternatives, and maybe a dialogue along the direction you suggest is going to be part of the alternative.

Ms. MARGOLIES-MEZVINSKY. Thank you very much, Senator Simon.

Senator SIMON. Thank you.

Mr. MARKEY. Thank you very much. Senator, we thank you so much for your participation here today. You know, broadcasters and programmers and advertisers all know one basic, fundamental reality, which is that violence sells. They make money off of violence. There is no question about it. I think, though, that they should take a message from the opening statements and the questions of you here today and by the members of this subcommittee, and take it as almost a preview of coming attractions that legislation against violence also sells and that there is a big market for this legislation here on our subcommittee. We are going to consider, very seriously, legislation on this issue, and we are also taking note of the fact that each one of the networks right now has a code of standards and practices which is actually more specific

than the general guidelines that they have been knocking around for the last 3 years. They are in place inside the networks but not being abided by.

We are taking legislative note of all of this, and they should just be put on notice that this hearing is a preview of coming attractions, unless some substantial changes are made now.

We thank you. You have been great to come over here and spend all this time with us. We don't see enough of you now that you have, you know, moved on to greater glory. But we humble folks over here appreciate your presence.

Senator SIMON. I thank you for tolerating a Member of the Senate over here. Thank you very, very much.

Mr. MARKEY. Thank you, Paul, very, very much. We appreciate it.

Now, we move on to our very distinguished panel which is going to help lay out the scientific debate on this subject. Everyone should understand that within the next several weeks we will have in the broadcasters, the cable industry, and the programmers as well, to sit down here.

But first we will hear from the scientific community in terms of what the existing state of this debate may be, and we have a very distinguished panel indeed. What I would like to ask is, if we could—let's see here, where is everybody?

We will begin with you, Dr. Centerwall. We very much appreciate your willingness to come and to testify here today. You are a professor of epidemiology at the University of Washington. We welcome you to the subcommittee.

We ask each of you to keep your opening statement to 5 minutes, no more. But you can see that there will be plenty of interest in the question and answer period in all of your testimony.

Dr. Centerwall, whenever you are ready, please begin.

STATEMENTS OF BRANDON S. CENTERWALL, PROFESSOR OF EPIDEMIOLOGY, UNIVERSITY OF WASHINGTON; SUZANNE STUTMAN, EXECUTIVE DIRECTOR, INSTITUTE FOR MENTAL HEALTH INITIATIVES; DEBORAH PROTHROW-STITH, ASSISTANT DEAN FOR GOVERNMENT AND COMMUNITY PROGRAMS, HARVARD SCHOOL OF PUBLIC HEALTH; TERRY RAKOLTA, DIRECTOR, AMERICANS FOR RESPONSIBLE TELEVISION; L. ROWELL HUESMANN, PROFESSOR OF PSYCHOLOGY AND COMMUNICATION, UNIVERSITY OF MICHIGAN; NANCY SIGNORIELLI, PROFESSOR, DEPARTMENT OF COMMUNICATION, UNIVERSITY OF DELAWARE; AND WILLIAM H. DIETZ, MEMBER, AMERICAN ACADEMY OF PEDIATRICS

Mr. CENTERWALL. In preface to presenting my research findings, let me take a few moments to summarize my background. I received my baccalaureate from Yale University, my medical degree from the University of California in San Diego, and my Masters in Public Health in Epidemiology from Tulane University School of Public Health. I am Board certified in public health and general preventive medicine, and I am currently on the faculty of the University of Washington School of Public School, Department of Epidemiology. I received my advanced training in epidemiology at the Centers for Disease Control in Atlanta, and I was one of the found-

ers of the violence research activity at the Centers for Disease Control.

It is a matter of factual observation that the U.S. national homicide rate has doubled since the 1950's. As a member of the CDC Violence Research Team, it was my task to determine why. The research investigating this issue was not begun with any preconceptions regarding the role of television or any other factor. A wide array of possible causes had been proposed by others, and all of these were examined: the baby boom effect, trends in urbanization, economic trends, trends in alcohol abuse, the role of capital punishment, the effects of civil unrest, the availability of firearms, exposure to television. Television was just one possible factor among many.

Over the course of 7 years of investigation each of these purported causes was tested in a variety of ways to see whether it could be invalidated; that is to say, whether it could be eliminated as a credible contributor to the doubling of rates of violence in the United States, and one by one each of them was invalidated except for television. Repeated efforts to invalidate television as a cause of violence repeatedly failed. It refused to be invalidated.

The research begun at the Centers for Disease Control was completed at the University of Washington. The findings were eventually published in the American Journal of Epidemiology, the leading scientific journal in the field of epidemiology, but only after I had sought scrutiny of all aspects of the research by fellow epidemiologists.

The principal conclusion is that the introduction of television into the United States in the 1950's led to a doubling of the homicide rate in the 1960's and 1970's, a doubling which has been sustained in the 1980's and 1990's. It is further concluded that the introduction of television in the 1950's likewise led to a doubling of the Canadian homicide rate in the 1960's and 1970's. It is concluded that exposure to television is a causal factor behind approximately one-half of the homicides committed in the United States or approximately 10,000 homicides annually. The data are not as well developed for rapes and assaults, but the findings indicate that television is a factor behind a major proportion, perhaps one-half, of rapes and assaults.

To say that exposure to television is a predisposing factor behind half of homicides and other violent acts committed in the United States is not to discount the importance of other factors. Manifestly, every violent act is the result of an array of forces coming together: poverty, crime, intoxication, stress, conflict, an array of which exposure to television is just one. Nevertheless, the epidemiologic evidence indicates that if, hypothetically, television technology had never been developed there would today be 10,000 fewer homicides each year in the United States, 70,000 fewer rapes, and 700,000 fewer injurious assaults.

I should be happy to answer any questions regarding the specifics of the research. My recently published Special Communication in the Journal of the American Medical Association entitled "Television and Violence" will serve as my written statement.

Mr. MARKEY. Thank you. The time of the gentleman has expired. [The article referred to follows:]

Television and Violence

The Scale of the Problem and Where to Go From Here

Brandon S. Centerwall, MD, MPH

IN 1975, Rothenberg's Special Communication in *JAMA*, "Effect of Television Violence on Children and Youth," first alerted the medical community to the deforming effects the viewing of television violence has on normal child development, increasing levels of physical aggressiveness and violence.¹ In response to physicians' concerns sparked by Rothenberg's communication, the 1976 American Medical Association (AMA) House of Delegates passed Resolution 38: "The House declares TV violence threatens the health and welfare of young Americans, commits itself to remedial actions with interested parties, and encourages opposition to TV programs containing violence and to their sponsors."²

Other professional organizations have since come to a similar conclusion, including the American Academy of Pediatrics and the American Psychological Association.³ In light of recent research findings, in 1990 the American Academy of Pediatrics issued a policy statement: "Pediatricians should advise parents to limit their children's television viewing to 1 to 2 hours per day."⁴

Rothenberg's communication was largely based on the findings of the 1968 National Commission on the Causes and Prevention of Violence⁵ and the 1972 Surgeon General's report, *Television and Growing Up: The Impact of Televised Violence*.⁶ Those findings were updated and reinforced by the 1982 report of the National Institute of Mental Health, *Television and Behavior: Ten Years of Scientific Progress and Impli-*

cations for the Eighties, again documenting a broad consensus in the scientific literature that exposure to television violence increases children's physical aggressiveness.⁷ Each of these governmental inquiries necessarily left open the question of whether this increase in children's physical aggressiveness would later lead to increased rates of violence. Although there had been dozens of laboratory investigations and short-term field studies (3 months or less), few long-term field studies (2 years or more) had been completed and reported. Since the 1982 National Institute of Mental Health report, long-term field studies have come into their own, some 20 having now been published.⁸

In my commentary, I discuss television's effects within the context of normal child development; give an overview of natural exposure to television as a cause of aggression and violence; summarize my own research findings on television as a cause of violence; and suggest a course of action.

TELEVISION IN THE CONTEXT OF NORMAL CHILD DEVELOPMENT

The impact of television on children is best understood within the context of normal child development. Neonates are born with an instinctive capacity and desire to imitate adult human behavior. That infants can, and do, imitate an array of adult facial expressions has been demonstrated in neonates as young as a few hours old, ie, before they are even old enough to know cognitively that they themselves have facial features that correspond with those they are observing.^{9,10} It is a most useful instinct, for the developing child must learn and master a vast repertoire of behavior in short order.

Whereas infants have an instinctive desire to imitate observed human behavior, they do not possess an instinct for gauging a priori whether a behavior ought to be imitated. They will imitate anything,¹¹ including behaviors that most adults would regard as destructive and antisocial. It may give pause for thought, then, to learn that infants as young as 14 months of age demonstrably observe and incorporate behaviors seen on television (Fig 1).^{12,13} (Looking ahead, in two surveys of young male felons imprisoned for committing violent crimes, eg, homicide, rape, and assault, 22% to 34% reported having consciously imitated crime techniques learned from television programs, usually successfully.¹⁴)

As of 1990, the average American child aged 2 to 5 years was watching over 27 hours of television per week.¹⁵ This might not be bad, if young children understood what they are watching. However, up through ages 3 and 4 years, many children are unable to distinguish fact from fantasy in television programs and remain unable to do so despite adult coaching.¹⁶ In the minds of such young children, television is a source of entirely factual information regarding how the world works. Naturally, as they get older, they come to know better, but the earliest and deepest impressions were laid down when the child saw television as a factual source of information about a world outside their homes where violence is a daily commonplace and the commission of violence is generally powerful, exciting, charismatic, and efficacious. Serious violence is most likely to erupt at moments of severe stress—and it is precisely at such moments that adolescents and adults are most likely to revert to their earliest, most visceral

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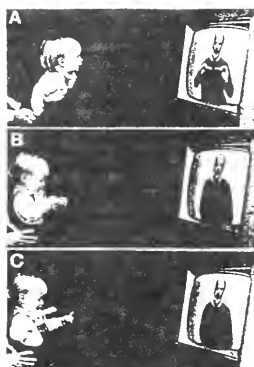


Fig 1.—This series of photographs shows a 14-month-old boy learning behavior from a television set. In photograph A the adult pulls apart a novel toy. The infant leans forward and carefully studies the adult's actions. In photograph B the infant is given the toy. In photograph C the infant pulls the toy apart, imitating what he had seen the adult do. Of infants exposed to the instructional video, 65% could later work the toy, as compared with 20% of unexposed infants ($P < .001$) (reprinted with permission from Meltzoff¹²).

sense of what violence is and what its role is in society. Much of this sense will have come from television.

Not all laboratory experiments and short-term field studies demonstrate an effect of media violence on children's behavior, but most do.^{17,18} In a recent meta-analysis of randomized, case-control, short-term studies, exposure to media violence caused, on the average, a significant increase in children's aggressiveness as measured by observation of their spontaneous, natural behavior following exposure ($P < .05$).¹⁹

NATURAL EXPOSURE TO TELEVISION AS A CAUSE OF AGGRESSION AND VIOLENCE

In 1973, a small Canadian town (called "Notel" by the investigators) acquired television for the first time. The acquisition of television at such a late date was due to problems with signal reception rather than any hostility toward television. Joy et al²⁰ investigated the impact of television on this virgin community, using as control groups two similar communities that already had television. In a double-blind research design, a cohort of 45 first- and second-grade students were observed prospectively over a period of 2 years for rates of objectively measured noxious physical aggression (eg, hitting, shov-

ing, and biting). Rates of physical aggression did not change significantly among children in the two control communities. Two years after the introduction of television, rates of physical aggression among children in Notel had increased by 160% ($P < .001$).

In a 22-year prospective study of an age cohort in a semirural US county ($N = 875$), Huesmann²¹ observed whether boys' television viewing at age 8 years predicted the seriousness of criminal acts committed by age 30. After controlling for the boys' baseline aggressiveness, intelligence, and socioeconomic status at age 8, it was found that the boys' television violence viewing at age 8 significantly predicted the seriousness of the crimes for which they were convicted by age 30 ($P < .05$).

In a retrospective case-control study, Kruttschnitt et al²² compared 100 male felons imprisoned for violent crimes (eg, homicide, rape, and assault) with 65 men without a history of violent offenses, matching for age, race, and census tract of residence at age 10 to 14 years. After controlling for school performance, exposure to parental violence, and baseline level of criminality, it was found that the association between adult criminal violence and childhood exposure to television violence approached statistical significance ($P < .10$).

All Canadian and US studies of the effect of prolonged childhood exposure to television (2 years or more) demonstrate a positive relationship between earlier exposure to television and later physical aggressiveness, although not all studies reach statistical significance.⁸ The critical period of exposure to television is preadolescent childhood. Later variations in exposure, in adolescence and adulthood, do not exert any additional effect.^{23,24} However, the aggression-enhancing effect of exposure to television is chronic, extending into later adolescence and adulthood.²⁵ This implies that any interventions should be designed for children and their caregivers rather than for the general adult population.

These studies confirm what many Americans already believe on the basis of intuition. In a national opinion poll, 43% of adult Americans affirm that television violence "plays a part in making America a violent society," and an additional 37% find the thesis at least plausible (only 16% frankly disbelieve the proposition).²⁶ But how big a role does it play? What is the effect of natural exposure to television on entire populations? To address this issue, I took advantage of an historical experiment—the absence of television in South Africa prior to 1975.²⁵

TELEVISION AND HOMICIDE IN SOUTH AFRICA, CANADA, AND THE UNITED STATES

The South African government did not permit television broadcasting prior to 1975, even though South African whites were a prosperous, industrialized Western society.²⁷ Amidst the hostile tensions between the Afrikaner and English white communities, it was generally conceded that any South African television broadcasting industry would have to rely on British and American imports to fill out its programming schedule. Afrikaner leaders felt that that would provide an unacceptable cultural advantage to the English-speaking white South Africans. Rather than negotiate a complicated compromise, the Afrikaner-controlled government chose to finesse the issue by forbidding television broadcasting entirely. Thus, an entire population of 2 million whites—rich and poor, urban and rural, educated and uneducated—was nonselectively and absolutely excluded from exposure to television for a quarter century after the medium was introduced into the United States. Since the ban on television was not based on any concerns regarding television and violence, there was no self-selection bias with respect to the hypothesis being tested.

To evaluate whether exposure to television is a cause of violence, I examined homicide rates in South Africa, Canada, and the United States. Given that blacks in South Africa live under quite different conditions than blacks in the United States, I limited the comparison to white homicide rates in South Africa and the United States and the total homicide rate in Canada (which was 97% white in 1951). Data analyzed were from the respective government vital statistics registries. The reliability of the homicide data is discussed elsewhere.⁸

Following the introduction of television into the United States, the annual white homicide rate increased by 937, from 3.0 homicides per 100,000 white population in 1945 to 5.8 per 100,000 in 1974; in South Africa, where television was banned, the white homicide rate decreased by 7%, from 2.7 homicides per 100,000 white population in 1943 through 1948 to 2.5 per 100,000 in 1974 (Fig 2). As with US whites, following the introduction of television into Canada the Canadian homicide rate increased by 92%, from 1.3 homicides per 100,000 population in 1945 to 2.5 per 100,000 in 1974 (Fig 3).

For both Canada and the United States, there was a lag of 10 to 15 years between the introduction of television and the subsequent doubling of the ho-

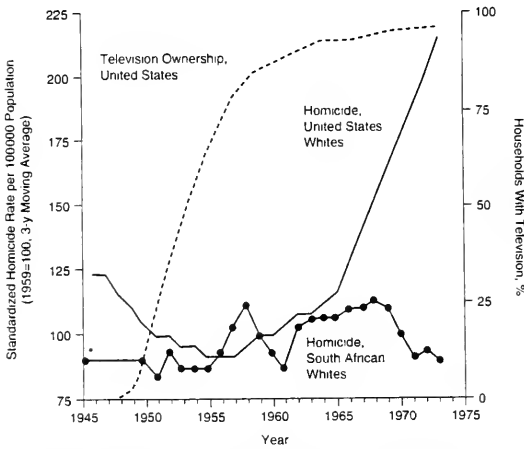


Fig 2.—Television ownership and white homicide rates, United States and South Africa, 1945 through 1973. Asterisk denotes 6-year average. Note that television broadcasting was not permitted in South Africa prior to 1975 (from Centerwall⁸ and reprinted by permission of Academic Press).

micide rate (Figs 2 and 3). Given that homicide is primarily an adult activity, if television exerts its behavior-modifying effects primarily on children, the initial "television generation" would have had to age 10 to 15 years before they would have been old enough to affect the homicide rate. If this were so, it would be expected that, as the initial television generation grew up, rates of serious violence would first begin to rise among children, then several years later it would begin to rise among adolescents, then still later among young adults, and so on. And that is what is observed.⁸

In the period immediately preceding the introduction of television into Canada and the United States, all three countries were multiparty, representative, federal democracies with strong Christian religious influences, where people of nonwhite races were generally excluded from political power. Although television broadcasting was prohibited prior to 1975, white South Africa had well-developed book, newspaper, radio, and cinema industries. Therefore, the effect of television could be isolated from that of other media influences. In addition, I examined an array of possible confounding variables—changes in age distribution, urbanization, economic con-

ditions, alcohol consumption, capital punishment, civil unrest, and the availability of firearms.⁸ None provided a viable alternative explanation for the observed homicide trends. For further details regarding the testing of the hypothesis, I refer the reader to the published monograph⁸ and commentary.²⁵

A comparison of South Africa with only the United States (Fig 2) could easily lead to the hypothesis that US involvement in the Vietnam War or the turbulence of the civil rights movement was responsible for the doubling of homicide rates in the United States. The inclusion of Canada as a control group precludes these hypotheses, since Canadians likewise experienced a doubling of homicide rates (Fig 3) without involvement in the Vietnam War and without the turbulence of the US civil rights movement.

When I published my original paper in 1989, I predicted that white South African homicide rates would double within 10 to 15 years after the introduction of television in 1975, the rate having already increased 56% by 1983 (the most recent year then available).⁸ As of 1987, the white South African homicide rate had reached 5.8 homicides per 100,000 white population, a 130% increase in the homicide rate from the

rate of 2.5 per 100,000 in 1974, the last year before television was introduced.²⁷ In contrast, Canadian and white US homicide rates have not increased since 1974. As of 1987, the Canadian homicide rate was 2.2 per 100,000, as compared with 2.5 per 100,000 in 1974.²⁸ In 1987, the US white homicide rate was 5.4 per 100,000, as compared with 5.8 per 100,000 in 1974.²⁹ (Since Canada and the United States became saturated with television by the early 1960s [Figs 2 and 3], it was expected that the effect of television on rates of violence would likewise reach a saturation point 10 to 15 years later.)

It is concluded that the introduction of television in the 1950s caused a subsequent doubling of the homicide rate, ie, long-term childhood exposure to television is a causal factor behind approximately one half of the homicides committed in the United States, or approximately 10,000 homicides annually. Although the data are not as well developed for other forms of violence, they indicate that exposure to television is also a causal factor behind a major proportion—perhaps one half—of rapes, assaults, and other forms of interpersonal violence in the United States.⁸ When the same analytic approach was taken to investigate the relationship between television and suicide, it was determined that the introduction of television in the 1950s exerted no significant effect on subsequent suicide rates.³⁰

To say that childhood exposure to television and television violence is a predisposing factor behind half of violent acts is not to discount the importance of other factors. Manifestly, every violent act is the result of an array of forces coming together—poverty, crime, alcohol and drug abuse, stress—of which childhood exposure to television is just one. Nevertheless, the epidemiologic evidence indicates that if, hypothetically, television technology had never been developed, there would today be 10,000 fewer homicides each year in the United States, 70,000 fewer rapes, and 700,000 fewer injurious assaults.^{20,31}

WHERE TO GO FROM HERE

In the war against tobacco, the tobacco industry is the last group from whom we expect any meaningful action. If someone were to call on the tobacco industry to cut back tobacco production as a matter of social conscience and out of concern for the public health, we would regard that person as being at least simple-minded, if not frankly deranged. Oddly enough, however, people have persistently assumed that the television industry operates by a higher standard of morality than the tobacco industry—that it is useful to appeal to its social

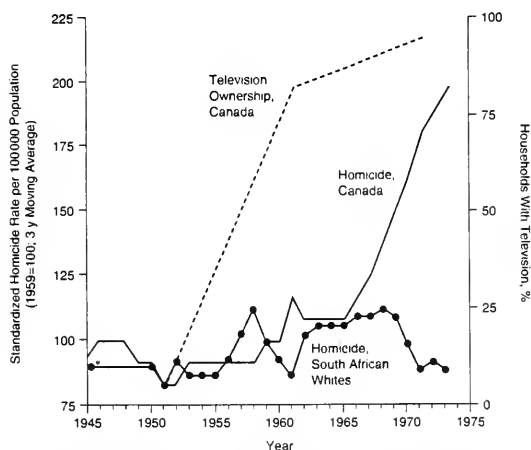


Fig. 3.—Television ownership and homicide rates, Canadians and white South Africans, 1945 through 1973. Aslenski denotes 6-year average. Note that television broadcasting was not permitted in South Africa prior to 1975 (from Centerwall¹ and reprinted by permission of Academic Press)

conscience. This was true in 1969 when the National Commission on the Causes and Prevention of Violence published its recommendations for the television industry.³² It was equally true in 1969 when the US Congress passed a television anti-violence bill that granted television industry executives the authority to confer on the issue of television violence without being in violation of antitrust laws.³³ Even before the law was fully passed, the four networks stated that they had no intention of using this antitrust exemption to any useful end and that there would be no substantive changes in programming content.³⁴ They have been as good as their word.

Cable aside, the television industry is not in the business of selling programs to audiences. It is in the business of selling audiences to advertisers. Issues of "quality" and "social responsibility" are entirely peripheral to the issue of maximizing audience size within a competitive market—and there is no formula more tried and true than violence for reliably generating large audiences that can be sold to advertisers. If public demand for tobacco decreases by 1%, the tobacco industry will lose \$250 million annually in revenue.³⁵ Similarly, if the television audience size were to de-

crease by 1%, the television industry would stand to lose \$250 million annually in advertising revenue.³⁶ Thus, changes in audience size that appear trivial to you and me are regarded as catastrophic by the industry. For this reason, industry spokespersons have made innumerable protestations of good intent, but nothing has happened. In over 20 years of monitoring levels of television violence, there has been no downward movement.^{36,37} There are no recommendations to make to the television industry. To make any would not only be futile but create the false impression that the industry might actually do something constructive.

The American Academy of Pediatrics recommends that pediatricians advise parents to limit their children's television viewing to 1 to 2 hours per day.⁴ This is an excellent point of departure and need not be limited to pediatricians. It may seem remote that a child watching television today can be involved years later in violence. A juvenile taking up cigarettes is also remote from the dangers of chronic smoking, yet those dangers are real, and it is best to intervene early. The same holds true regarding television-viewing behavior. The instruction is simple: For children, less TV is better, especially violent TV.

Symbolic gestures are important, too. The many thousands of physicians who gave up smoking were important role models for the general public. Just as many waiting rooms now have a sign saying, "This Is a Smoke-Free Area" (or words to that effect), so likewise a sign can be posted saying, "This Is a Television-Free Area." (This is not meant to exclude the use of instructional videotapes.) By sparking inquiries from parents and children, such a simple device provides a low-key way to bring up the subject in a clinical setting.

Children's exposure to television and television violence should become part of the public health agenda, along with safety seats, bicycle helmets, immunizations, and good nutrition. One-time campaigns are of little value. It needs to become part of the standard package: Less TV is better, especially violent TV. Part of the public health approach should be to promote child-care alternatives to the electronic baby-sitter, especially among the poor who cannot afford real baby-sitters.

Parents should guide what their children watch on television and how much. This is an old recommendation³² that can be given new teeth with the help of modern technology. It is now feasible to fit a television set with an electronic lock that permits parents to preset which programs, channels, and times they wish the set to be available for; if a particular program or time of day is locked, the set won't turn on for that time or channel.³⁸ The presence of a time-channel lock restores and reinforces parental authority, since it operates even when the parents are not at home, thus permitting parents to use television to their family's best advantage. Time-channel locks are not merely feasible, but have already been designed and are coming off the assembly line (eg, the Sony XBR).

Closed captioning permits deaf and hard-of-hearing persons access to television. Recognizing that market forces alone would not make closed-captioning technology available to more than a fraction of the deaf and hard-of-hearing, the Television Decoder Circuitry Act was signed into law in 1990, requiring that, as of 1993, all new television sets (with screens 33 cm or larger, ie, 96% of new television sets) be manufactured with built-in closed-captioning circuitry.³⁹ A similar law should require that eventually all new television sets be manufactured with built-in time-channel lock circuitry—and for a similar reason. Market forces alone will not make this technology available to more than a fraction of households with children and will exclude poor families, the ones who suffer the most from violence. If we can make

television technology available that will benefit 24 million deaf and hard-of-hearing Americans.²⁹ surely we can do no less for the benefit of 50 million American children.³⁰

Unless they are provided with information, parents are ill-equipped to judge which programs to place off-limits. As a final recommendation, television programs should be accompanied by a violence rating so parents can gauge how violent a program is without having to watch it. Such a rating system should be

quantitative and preferably numerical, leaving aesthetic and social judgments to the viewers. Exactly how the scale ought to be quantified is less important than that it be applied consistently. Such a rating system would enjoy broad popular support: In a national poll, 71% of adult Americans favor the establishment of a violence rating system for television programs.³¹

It should be noted that none of these recommendations impinges on issues of freedom of speech. That is as it should

be. It is not reasonable to address the problem of motor vehicle fatalities by calling for a ban on cars. Instead, we emphasize safety seats, good traffic signs, and driver education. Similarly, to address the problem of violence caused by exposure to television, we need to emphasize time-channel locks, program rating systems, and education of the public regarding good viewing habits.

Figure 1 was provided by A. N. Meltzoff, University of Washington, Seattle.

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Mr. MARKEY. We will now introduce Suzanne Stutman, who is the executive director of the National Institute for Mental Health Initiatives here in Washington. Ms. Stutman has been researching ways to portray aggression and anger on television that have positive influences on children.

We welcome you. If you could move over the microphone, please, and turn it on.

STATEMENT OF SUZANNE STUTMAN

Ms. STUTMAN. Thank you very much for having me and for having this hearing today. I am Suzanne Stutman, director of the Institute for Mental Health Initiatives.

And, as everybody has said today, the epidemic of violence is clear. We know that television is a major factor in what we are seeing in our American culture, and violence is a complicated issue. There is no one cause for violence in America. There are an array of causes and variables. But today, what we want to focus on, as Senator Simon suggested, was what can we do about the violence, and that is what I would like to discuss.

As for the depictions of violence on television, at the Institute for Mental Health Initiatives what we focus on in the specific violent action—not on the specific violent action, but on the physical and psychological consequences of violence. The question of whether violence is perpetrated by the villain or the hero is of central importance, but oftentimes it is ignored. These differences in the expression of violence are significant in influencing aggressive or anti-social behavior on the part of the viewer. The question is, Is all television harmful to children?

Some critics of violence on television urge parents to prevent their children from watching any television. Others urge the regulation of the industry much more stringently, as we heard today. However, a simplistic attempt to reduce levels of violence by external pressure may be counterproductive. Reducing the intensity of violence can result in sanitized violence in which tragic consequences are not shown, and I think that is what we were talking about today in terms of glorifying violence, or as Dr. Gerbner referred to the other day as happy violence.

The victim is shot, but details of the consequences and suffering are not shown. Such sanitized violence may be more likely to lead to aggressive behavior than a realistic portrayal. Many argue that by sanitizing what children see on TV or in the movies we lose a valuable opportunity to teach children ways of dealing with the realities of their psychological, if not real, worlds.

The challenge of the visual media is to strengthen children in their ability to deal vicariously with aggression, with angry feelings, and with violence, much of the way that fairy tales did as I grew up and still do today. There is an increasing body of evidence that young people turn to the media for information about interpersonal behavior and styles of relating. Because television has the power to affect social behavior, it can be used as both an effective agent of socialization and a source of potential change. If we look at the research on violence, we see that close to 80 percent of the violence that happens within families, happen between people who know each other, acquaintances and so forth.

Recognizing that chronic hostility and unresolved anger is at the root of the majority of the violence experience today, the Institute for Mental Health Initiatives places a greater emphasis on the portrayals of skills rather than focusing all of our efforts on reducing TV violence. We have developed two anger management programs, channeling children's anger, channeling parents' anger. Both programs use the acronym RETHINK, which are seven skills to manage your anger.

By utilizing a generic public health approach in incorporating anger management skills by television characters, the public can learn more varied ways to channel their anger, thus reducing the negative and destructive impact of mismanaged anger. Increasing the viewer's repertoire of responses to stimuli that provoke anger and violence achieves multiple goals. We can reduce the need to resort to violence and enhance the emotional well-being. So here are the specific recommendations.

We are constantly acting after the fact, trying to mend bodies and emotions after people have been hurt. It is time to address violence the way we treat other public threats such as smoking and drunk driving, by focusing on prevention. We propose a focus on a public health strategy aimed specifically at educating the American public on how they can reduce the incidence of violence in American society. Such a strategy would include a massive, long-term education campaign on how mismanaged anger can be destructive and how to handle angry feelings in a way that does not raise every dispute to a blood feud. In short, just as the anti-smoking campaign has reduced the acceptability of smoking as a social convention, such a campaign would reduce the acceptability of resorting to violence as a first step to solving problems. Instead teach a variety of skills to manage conflict.

Mr. MARKEY. Ms. Stutman, could you try to summarize, please?

Ms. STUTMAN. I am summarizing right now my six skills: Show a variety of constructive anger management behaviors; depict violence as a last resort for heroes who have used their wits to encounter danger; depict the perpetrators of thoughtless violence as villains and their use of weapons as weak and foolish; portray the devastating emotional consequences; accurately address the developmental stages of the target population; and prepare guidelines for the public to monitor programs with respect to anger and violence.

Thank you.

Mr. MARKEY. Thank you, Ms. Stutman, very, very much.
[The prepared statement of Ms. Stutman follows:]



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**PROGRAMMING TO PREVENT VIOLENCE:
The Role of Television**

Testimony By Suzanne Stutman, MA, MSW, BCD
Institute for Mental Health Initiatives
To
The House of Representatives
Subcommittee on Telecommunications and Finance
May 12, 1993

Violence: A Complex Problem

Designated by the Surgeon General and the Center for Disease Control (CDC) as a public health emergency, few would deny that violence has reached epidemic proportions in America. What is happening? How can we account for this devastating crisis that is killing off a generation of young people? As public concern over violence escalates into fear, policy-makers are feeling increasing pressure to find some answers and act. The media, specifically television, has recently come under attack as a primary cause of the violence epidemic in America. Others will testify about that subject. As for the Institute for Mental Health Initiatives (IMHI), we have no doubt that television has the power to influence behavior. We, however, see that as an opportunity rather than a threat.

Violence is a complex phenomenon, and a sophisticated analysis would include the effect of the availability of hand guns, the trafficking of illegal drugs, the increase in the number of teenage single parents, and other major social changes besides the advent of television. As for the depictions of violence on television, we focus not only on the specific violent actions, but also on the context in which violence occurs and the physical and psychological consequences of violence. The question of whether

violence is perpetrated by the villain or the hero is of central importance but ignored in the usual measures of violence on television. These *differences in the expression of violence* are significant in influencing aggressiveness or anti-social behavior on the part of the viewer.

IMHI's position is that it is not violence and anger per se that are dangerous, but *how they are dealt with* by the media. This brings us to our next question:

Is All Television Violence Harmful to Children?

Some critics of violence on television urge parents to prevent their children from watching television altogether. Others are urging the FCC to regulate the television industry more stringently. However, an attempt simply to reduce levels of violence by external pressure may be counterproductive. Reducing the intensity of violence can result in "sanitized" violence in which tragic consequences are not shown. The victim is shot but details of the consequences and suffering are not depicted. Such "sanitized" violence may be more likely to lead to aggressive behavior than the realistic portrayals.

Many psychiatrists argue that by sanitizing what children see on TV or in the movies we may lose valuable opportunities to teach them ways of dealing with the realities of their psychological, if not real worlds. Dr. Ralph Wittenberg, in an invited article in IMHI's publication, *Initiatives*, points to the pervasive presence of violence in the classic fairy tale, and suggests that fairy tales serve the function of instructing the child in a series of skills which can be adopted by the use of learning through fantasy. He writes:

Everyone knows that violent and scary figures exist in the fantasy life of all children. For some children, born in less protective environments, these figures are real. We do children no service by denying their existence. It only provides a rigid and therefore vulnerable defense. Why are children fascinated by the violence of TV and movies? Because it provides a safe way in which to deal with dangerous material, as does fantasy.

Dr. Wittenberg goes on to say that attempts to eradicate violence from the lives of children will be futile. He praises the great contributions of artists who have used creative approaches to help children confront and learn from violence. The challenge of the visual media is to strengthen children in their ability to deal vicariously with aggression, angry feelings and violence.

Television as a Tool for Change

There is an increasing body of evidence that young people turn to the media for information about interpersonal behavior and styles of relating (Greenberg, 1989; Berry, G, 1987; Auerbach, 1986; Meyer, 1973;). Because television has the power to affect social behavior, it can be utilized as both an effective agent of socialization and a source of potential change.

We place a greater emphasis on the portrayal of skills rather than focusing all of our efforts on reducing violence on TV. By utilizing a generic public health approach in incorporating anger management skills by television characters, the public can learn more varied ways to channel their anger, thus reducing the negative and destructive impact of mismanaged anger. Increasing the viewer's repertoire of responses to stimuli that provoke anger and violence achieves multiple goals: reducing the need to resort to violence and enhancing mental health and emotional well-being.

IMHI's Anger Management Campaigns

In May 1984, IMHI collaborated with the National Institute of Mental Health (NIMH) in sponsoring a conference with the most eminent experts on anger and how anger could be depicted in the media. As a result of that conference, IMHI simplified and crystallized the research on anger for the purpose of communicating to the creative media community. IMHI created entertaining print materials and disseminated them to targeted groups such as the *Caucus for Writers, Producers and Directors*. We prepared pamphlets for broader dissemination to the general public. As part of IMHI's public awareness campaign we also created public service announcements (PSAs), a music video, and an anger management training video with an accompanying discussion guide. We used these materials to conduct numerous workshops with media representatives and mental health professionals.

Recognizing that chronic hostility and unresolved anger is at the root of many serious physical, social and emotional problems, including violence, IMHI developed two anger management programs: **Channelling Children's Anger** and **Channelling Parents' Anger**. Both programs use the acronym **RETHINK**, each letter standing for a specific anger management skill. By teaching both children and parents skills to manage their anger constructively, we help them to resolve conflicts in a non-violent manner. Learning these skills requires practice. When they succeed in using their anger as a tool for change, they feel more optimistic and confident.

One of the most recent outcomes of IMHI's campaign was a series of PSAs on violence prevention created and being aired currently by NBC as part of their "The More You Know" campaign this year. Another outcome was a PSA contest for college students that IMHI cosponsored with the National Academy of Television Arts and Sciences (NATAS). The students were challenged to develop PSAs on how to manage anger in a non-violent manner. The winner will be presented with a \$1,000 scholarship at the Emmy Awards in June and the PSA will be aired on local stations.

Assessing Changes In Television

IMHI studied the base line of how anger was portrayed in prime-time entertainment television programs enjoying some of the highest Nielsen ratings on each of the three networks. The sample consisted of a variety of television programming such as: detective stories, prime-time sitcoms, dramas and adventure stories. A system of content analysis was developed and inter-judge reliability was established.

The data showed that although some television shows were providing models for skillful management of anger, they were limited. There existed an opportunity for a far greater variety of anger responses than was being depicted by popular characters. Skills such as problem-solving, use of humor, reframing, empathy, self-instruction (or self-talk) and monitoring of somatic symptoms (listen to your body talk) were rarely portrayed in the television programming, if at all. (There were also differences in anger management by male and female characters and minorities).

In order to assess the effectiveness of IMHI's campaign to introduce more varied anger management skills through the media, IMHI sampled anger portrayals in top Nielsen rated prime-time shows for the second time in 1989. It was a follow-up study, in a limited sense, because the programs that comprised the first sample were no longer all on television. Nevertheless, IMHI sampled the most popular entertainment shows on each of the networks including detective, sitcom and prime-time drama productions. The same content categories for analysis were used in 1989 as in the earlier base line study. We devised an "Anger Management Skill Score" (AMSS) for each program viewed, based on the variety and number of skills depicted by the characters when angered. The data showed a decrease in stereotyped responses to anger triggers. Characters' reactions were not limited to violence or withdrawal.

In this sample, an increase in the variety of responses that led to constructive outcomes was measured. Humor, listening and self-instruction were used more frequently as anger management tools. The data showed that the characters used a greater variety of responses to anger, some of which were very skillful. In addition, the analysis showed that when anger management skills were integrated into the entertainment programs, ratings were not affected adversely. As a matter of fact, viewers were more positively attracted to those programs depicting constructive anger management. The correlation between the anger management skill score of a program and the Nielsen rating was small but positive and statistically significant. Thus we discovered a demonstrated overall improvement in the depiction of anger on television since 1985, without feared loss of audience.

An analogous study of day-time dramas was conducted to compare baseline with later anger management skills measured 4 years later. The findings compared the parallel study of prime-time shows.

CONCLUSION

Teaching anger management skills cannot alone prevent all violence in this country. Likewise, the media cannot take full responsibility for ameliorating the problem. Comprehensive preventive efforts will address the many other variables that influence violent behavior including the availability of guns, and will involve the government, communities, schools, parents, teachers, and of course, America's youth.

We propose a focus on a public health strategy aimed specifically at educating the American public on how they can reduce the incidence of violence in American culture. Such a strategy would include a massive long-term educational campaign on how mismanaged anger can be destructive, and how to handle angry feelings in a way that does not raise every dispute to a blood feud. In short, just as the anti-smoking campaign has reduced the acceptability of smoking as a social convention, such a campaign would reduce the acceptability of resorting to violence as a first step to solving problems and instead teach a variety of skills to manage conflict.

Such a public health campaign can be developed by combining the expertise of the media with the expertise of mental health professionals.

RECOMMENDATIONS

We have worked with television writers, producers directors and executives to help and encourage them to:

- 1) Show a variety of constructive anger management behaviors that serve to empower both the characters and the viewers.
- 2) Depict violence as a last resort for heroes, who have used their wits in encountering danger.
- 3) Depict the perpetrators of "thoughtless" violence as villains and their use of weapons as weak and foolish.

- 4) Portray the devastating emotional consequences and impact of violence on the perpetrators, the victims and witnesses.

IMHI, with the help of many mental health experts is prepared to engage in periodic consultations with the creators of television programs. Such consultations will focus on how:

- the developmental stages of the target population can be accurately addressed when violence is presented to young viewers
- the emotional impact of violence can be varied and psychologically sound
- the variety of ways anger can be depicted as a tool for change
- parents can channel their children's anger

Such authentic depictions of human emotional struggles will not detract from the shows' popularity. Rather, characters will be enriched and audiences will be engaged.

IMHI is also prepared to provide guidelines for the public to monitor programs with respect to anger and violence. We trust that at the television industry-wide conference in August, some of these guidelines will be further clarified, elaborated and adopted.

Because television operates on public airwaves, it is obligated to promote the public's best interest. The television industry can carry out its obligation to the public by redefining the norms with respect to anger and violence and providing alternative behaviors that lead to constructive outcomes. Violence must once again be seen as non-normative and deviant.

Mr. MARKEY. Our next witness, Dr. Deborah Prothrow-Stith, is the author of the book "Deadly Consequences", which has brought the violence epidemic and its causes to national attention. We welcome you, Dr. Prothrow-Stith, and whenever you feel comfortable, please begin.

STATEMENT OF DEBORAH PROTHROW-STITH

Ms. PROTHROW-STITH. Good morning, Mr. Chairman, and members of the subcommittee. I am honored to be here to testify before you. I am quite pleased that you are having this hearing. I see it as one additional step toward a more sane society that truly cares about its children.

As a physician, my work to reduce violence has been primarily among the public health strategies, and while we must deal with the availability of guns, the issues of poverty, the issues of family violence, the skills of getting along—I am impressed that one of the major risk factors has to do with what I call our "Make My Day" ethic, and television and movies come to mind immediately as those which promote this ethic.

I would suggest that as we look at violence as a learned behavior we also understand that the appetite for violence is learned as well. From their very first cartoon, all the way through to the latest superhero movies, our children learn that violence is funny, is entertaining, is successful, is the hero's first choice, is painless, is guiltless, and then we have the audacity to look for remorse among children and teenagers who commit violence. Where would they ever learn that there is remorse associated with violence?

We have a very serious problem, this "Make My Day" ethic, and some children are at greater risk. They tend to be urban. They tend to be poor. They tend to be young men, though that is changing because girls are doing a lot of fighting these days, and they tend to be children who have witnessed a lot of violence or been victims of violence in their early childhood development.

For those children and all our children, I am here to testify in support of the notion of ratings for television programs. I think this is a step in the right direction. Not the panacea, but clearly a very, very important beginning.

First of all, ratings would help to recognize that we have a problem and demonstrate the concern parents and others watching would understand that the ratings mean we have some reason to be concerned. Ratings would also cause the advertisers to think twice about the program with which they want their products associated. This is an extremely important method of having an impact on what networks are showing.

I think also ratings would cause us to be much more aware of the damage that violent programming can have on our children.

I look forward to your questions. I submit both a written testimony and a chapter from my book *Deadly Consequences*. The chapter is called "Teaching Our Children to Kill."

Thank you very much.

Mr. MARKEY. Thank you very much.

[The prepared statement of Dr. Prothrow-Stith follows. The book excerpt referred to is retained in subcommittee files.]

STATEMENT OF DEBORAH PROTHROW-STITH

Good morning. I am Deborah Prothrow-Stith, author of the book, *Deadly Consequences*, and the *Violence Prevention Curriculum for Adolescents*, a neighborhood health center physician, and assistant dean for government and community programs at the Harvard School of Public Health. I am submitting as testimony Chapter 3 of my book *Deadly Consequences: "Teaching Our Kids to Kill."* This chapter examines television and its role in our violence-loving culture.

My life work centers around promoting a multi-disciplinary public health approach to violence. We can offer tried and true methods of public health prevention—similar strategies to those used to reduce lung cancer or drunken driving—to preventing the majority of violent events in this country that occurs among family, friends, or acquaintances. This means we must address the critical issues of guns, poverty, anger management and violence in the home. It also means we must closely examine what I call our "make my day ethic." This ethic is endemic in our culture but manifests itself most clearly in the entertainment industry and television.

From the first cartoon to the latest superhuman hero—we teach our children that violence is not only the preferable way to deal with conflict, it is fun, easy and painless. We've created an audience that applauds, accepts and even demands to be fed a constant stream of violence, the more graphically-disgusting, the better. With their appetites whetted by this constant barrage of messages that violence is successful and fun our children instigate violence, they are excited and expectant witnesses and bystanders to violent behavior or they participate in violence.

I was appalled by the promotional spots for the movie *Falling Down*. "Come see someone do what you've always wanted to do!" The ad proclaimed. I was insulted that some marketing guru thought I would like to wreak havoc on a stereotypical minority community and then shoot up a McDonald's restaurant because I couldn't order a pancake. I am not against real and honest portrayals of violence in movies or on television. I think the movie *Boyz in the Hood* demonstrated the real consequences of violence: pain, confusion, anger and community disorder. The violence in this movie did not solve a problem, but it caused many.

I heartily support an effort to employ a rating system for television and to restrict gratuitous violence during children's viewing hours. It could play an important role in an overall strategy to reduce violence in America. This ratings system and the companion lock-out technology could: Highlight the problem of violence; help parents set viewing limits; make the industry think more seriously about the use of gratuitous violence; cause advertisers to think carefully before supporting violent television; and help the public understand the serious consequences of consuming violence.

These interventions could help create an America that no longer condones and celebrates violence.

Mr. MARKEY. Our next witness is Ms. Terry Rakolta, who is the president of Americans for Responsible Television and a national leader in this movement for many, many years. We welcome you here today, Ms. Rakolta, and whenever you feel comfortable, please begin.

STATEMENT OF TERRY RAKOLTA

Ms. RAKOLTA. Thank you very much. I am delighted to be invited. I feel—I was going to read from my written statement, but since all the experts are here I don't want to talk about their studies. But I give you insight as a parent in what has happened in the last 5 years since I have been involved in this fight.

I have really been in the trenches. I go around to schools, I talk. I talk to PTA's or the American Bar Association. I have had my feet put to the fire many times on this issue. They say that it is censorship. I always reply to them the real censors are the network presidents. They are the ones that are the gatekeepers to prime time television. They are the ones that are escalating the arms race on television. They are the ones that are escalating the arms race on television today.

Five years ago, we had only five reality-based shows. The reality-based shows, they reenact crimes, the tabloid-show-type format; and now we even have realtime death programs like "Eyewitness Video." Simulated violence isn't enough. We now see realtime death.

There is a real concern in the public, and I really am delighted I am here today to tell you that we are asking our legislatures, Where are you? Why isn't someone helping us? Why are our children seeing 200,000 acts of violence by the time they are 16, and 33,000 network murders? Why are teenage boys experiencing a psychotic numbness? I mean who is helping us? There is no one.

I mean I am a housewife from the Midwest and I am here today. That tells you there is no one out there. It is disgusting. Mr. Bryant has really said it the best today. I mean he has said how appalling, disgusting our electronic environment has become. It is a toxic wasteland.

What I would like to ask you today—I represent 100,000 people, these are dues-paying members; 200,000 people that just want to be members of my organization. We would like to ask for legislation. Legislation to reduce violence during children's viewing times, four to nine o'clock. These are the bloodiest and sexiest times on television. We think it could be done. There is already restrictions on indecency on television. We could use the same guidelines.

You know, isn't indecency and isn't violence as obscene as indecency. We have the studies to prove that there is a direct nexus between televised violence and violence in society. You know, we haven't been able to prove that with sexual material because you are not allowed to sit children down and study, you know, the effects of sexual material on them because it is against the law.

But if we have the nexus, why can't we do something to regulate this? The networks refuse to. I have been in this 5 years. I go to advertisers. They say that the networks tell them if they don't go into a program they will just get somebody else. That they can produce the demographics that they want.

I have gone to network presidents. They tell me, Talk to the guys in Hollywood. They are the ones that say that they—it is a chilling effect on the creative when they tell them what to do. You talk to the guys in Hollywood. They say, Network wants the blood and violence. It sells. It is a dog and pony show all the way around.

So what I am asking you, if you would seriously consider legislation to reduce violence during children's viewing time. It is time for this.

You know people say, Shut off the TV if you don't like what is happening. But the point in time that we shut off our television set what we are doing is abdicating a very powerful public resource, and I think this is where they have lost track of things. This is a public resource. It is our birth right. It is a national trust.

We have the right to be involved. We have the right to a healthier electronic environment.

Thank you.

Mr. MARKEY. Thank you, Ms. Rakolta, very much.

[The prepared statement of Ms. Rakolta follows:]

STATEMENT OF TERRY RAKOLTA

My name is Terry Rakolta. I am the founder and director of Americans for Responsible Television, a nonprofit 100,000 member organization primarily concerned with the escalation of violence on television. I am also a member of the National Endowment for Children's Education Television. I appreciate the opportunity to testify before this prestigious subcommittee and to express our belief in the urgent need for legislation to reduce violence during children's viewing hours.

Over the past 3 years our organization has noticed a dramatic increase in televised violence. This corresponds with the Annenberg School of Communication's recent study showing that violence during children's viewing hours is at a historic high of 32 violent acts an hour. A recent study commissioned by *TV Guide* tabulated 1,845 individual acts of violence in 1 day's (18 hours) viewing time (both network and cable television). By the time a child is 16 he has seen approximately 33,000 murders and 200,000 acts of violence on network television; and he has watched 18,000 hours of TV compared to 11,000 hours of classroom work. In short, we are saturating our children's electronic environment with images of random, hard, psychotic violence.

The nexus between televised violence and violence in children has been proven. Research data from the Surgeon General's Report, the National Institute of Mental Health, the U.S. Attorney General's Task Force on Family Violence, the American Psychological Association and the Center for Disease Control confirm that watching televised violence during childhood is directly related to criminal and violent behavior later on.

According to studies and police statistics, the perpetrators of violence are getting younger and younger and more confrontational. The homicide arrest rate for 17-year-olds jumped 121 percent between 1985 and 1991. Some reports state that teenage boys are experiencing a "psychotic numbness," that they are desensitized to violence. The evidence comes from both academic studies and real life statistics. In 1951 there were 6,820 homicides in the United States compared to 24,703 murders in 1991.

We believe that televised violence is creating a serious public health issue that must be addressed by our elected representatives. Violence gets ratings and it makes millions of dollars for the television and advertising executives, but what is it doing to our children and to society? *Fortune* magazine said, "America is in the midst of a raging epidemic of juvenile homicide, suicide, and abuse. To cure it, we need to focus on prevention, not just punishment." And when Hillary Clinton was asked in an April 11, 1993 *Parade Magazine* article if she would support Congressional committee hearings leading to some sort of control over what children have access to on television, she responded, "Absolutely. I would absolutely support that. The kind of constant barrage of explicit sexuality and violence that fills our airways and impacts dramatically on the minds and souls of our children is one of many things that should concern us as a society."

Television is the most influential and pervasive of all media. This is why we are asking today for legislation to reduce violence during children's viewing hours. Just as there are existing restrictions on indecency when using the public airwaves, we should be able to give the FCC power to implement and enforce restrictions on gratuitous violence during children's viewing time. The National Association of Broadcasters adopted a programming principle stating "the use of violence for its own sake and the detailed dwelling upon brutality or physical agony, by sight or sound should be avoided." This could be used as a definition for legislative action. We could create a ratings board, similar to the motion picture industry's, to determine if the violence is excessive and gratuitous. If a program was judged too violent it would not be shown during children's viewing hours.

Some people say, "Just turn the TV off if you don't like what you're seeing." To me, that makes as much sense as saying, "If a corporation is polluting the air, just wear a gas mask." When we turn off our sets, we are abdicating a very powerful public resource into private hands. The Communications Act of 1934 stipulates that broadcasters are allowed "free and exclusive use" of the airwaves as long as they operate in a manner that serves the public interest. Clearly, American broadcasters have lost sight of their obligation. It is time the American public reminded them of their responsibility as well as the consequences for not fulfilling it.

The environment most vital to our humanity is the cultural environment on which both physical survival and mental health depend. Our children are worthy of and deserve a healthier "electronic environment" to grow up in.

I urge that this committee introduce legislation that would protect our children from gratuitous violence and brutality during their viewing hours. I will be glad to answer any further questions at this time.

Mr. MARKEY. Our next witness is Dr. Huesmann, who is here as a professor of communications from the University of Michigan. We welcome you, sir. If you could move over the microphone. Whenever you feel comfortable, please begin.

STATEMENT OF L. ROWELL HUESMANN

Mr. HUESMANN. Chairman Markey, subcommittee members, I am Rowell Huesmann, professor of communication and psychology at the Institute for Social Research of the University of Michigan.

For over 20 years I have been conducting research on how violent and aggressive behavior develops in children. I was a contributor to the 1972 Surgeon General's report, and I wrote the review chapter on media violence for the 1982 National Institute of Mental Health report. My collaborator on much of this research has been Leonard Eron, who is head of the American Psychological Association's Task Force on Violence. He concurs with what I am about to say.

My message is very simple, and it is a message that clearly from what I have heard today most of you don't need to hear. There should no longer be any doubt that heavy exposure to television and film violence is one of the causes of aggressive behavior, crime and violence in society.

The evidence on which this statement is based has steadily accumulated over the past 40 years. Some of the evidence comes from carefully controlled classroom studies in which young children were randomly selected to view more violent films then behave more violently. Some of the evidence comes from life span longitudinal studies in which children who are habitual viewers of violent movies and films and TV programs grow up to be more violent young adults.

Some of the evidence comes from studies in countries like the United States with wide-open broadcasting. Some of the evidence comes from studies in countries with much more controlled broadcasting like Poland or Finland. As with all social science research, one can find a few studies that don't show much of an effect and a few skeptics, and believe me, when the television networks appear here they will roll out those skeptics for you. But the vast majority of researchers in the field now agree that prolonged exposure to violence in the media stimulates aggressive behavior in children.

We have learned a lot about the dimensions of this effect since it was first reported in the 1960s. We know that television and film violence can affect youngsters of all ages, of both genders, at all socioeconomic levels and all levels of intelligence. The effect is not limited to children who are already disposed to be aggressive, and is not restricted to this country or only to countries with many, many hours of television programming. We have learned the young children are most susceptible to being taught to behave more violently by films and television when they are young, but we have also discovered that the aggressive habits they learn in early childhood are very persistent and resistant to change. More aggressive 8-year-old children, on the average, grow up to be more aggressive adults, and the early learning experiences that media violence provide can affect behavior even decades later.

Much of this research by now is not new. The 1982 NIMH report provided an excellent summary of the research, and as far back as 1972 the Surgeon General, Jesse Steinfeld, said, and I quote: "It is clear to me that the causal relationship between televised violence and antisocial behavior is sufficient to warrant appropriate and immediate remedial action." That was 21 years ago.

Why do televised and film violence have such deleterious effects? Researchers have identified a number of psychological processes that are involved in producing the effect. First, children imitate what they see others do, particularly if the other is a desirable hero with whom the youngster can identify. It is well established that observational learning is one of the most powerful mechanisms through which children acquire social skills and learn how to behave in society. If a boy is constantly exposed to television and film heroes solving problems aggressively, it is not surprising that the boy will solve problems the same way.

Second, we have discovered that repeated exposure to media violence changes attitudes about the acceptability of violence. Viewers become more tolerant of violence in themselves because they come to believe the world is a more violent place.

Third, continuous habitual exposure to media violence desensitizes children and adults. Their emotional responsivity becomes less. They get used to violence, and that makes violence more acceptable to them.

Given these psychological processes, it is not surprising that the social behavior of children who have grown up since the advent of television should have been influenced adversely by media violence, and they have been. Our own longitudinal studies, which are now just one element in a compelling body of research, have shown the extent to which 8-year-olds in the 1960's watched the shows that were then considered violence was related to their criminal behavior 22 years later when they were 30 years old. This was true even after one statistically controlled for IQ, socioeconomic factors, and so on.

Unfortunately, it is certain that our children are experiencing even more deleterious effects now. Recent research has shown that the amount of violence on network television hasn't changed much over the last 20 years. Moreover, the advent of cable channels and the video recorder, and the proliferation of violent movies in the video market has exacerbated the situation dramatically. No wonder children become more nonchalant about violence now than ever before.

Thank you very much.

Mr. MARKEY. Thank you, Doctor, very much.

[The prepared statement of Mr. Huesmann follows:]

TESTIMONY OF

L. ROWELL HUESMANN, PH.D.

Professor of Psychology and Communication

Chairman Markey and Honorable Subcommittee Members, I am Rowell Huesmann, Professor of Communication and Psychology and Research Scientist at the Institute for Social Research of the University of Michigan. I am also the Executive Secretary of the International Society for Research on Aggression. For over 20 years I have been conducting research on how violent and aggressive behavior develops in children. I have coauthored two important books on the topic: *Growing Up to be Violent* and *Television and Aggression: A Cross-National Comparison*, and I have published numerous articles on the topic in scientific journals. I was a contributor to the 1972 Surgeon General's report on television and social behavior, and I wrote the review chapter on media violence and aggression in the 1982 National Institute of Mental Health report. I have been the recipient of numerous research grants on this topic and am currently conducting a long term follow-up study of media violence and aggression under NIMH auspices. My collaborator on much of this research has been Leonard Eron, Professor of Psychology at the University of Michigan and currently Chair of the American Psychological Association's Commission on Violence and Youth. He concurs with what I am about to say.

There should no longer be any doubt that heavy exposure to television and film violence is one of the causes of aggressive behavior, crime and violence in society. The evidence on which this statement is based has steadily accumulated over the past 40 years. Some of the evidence comes from carefully controlled classroom studies in which young children who are randomly selected to view more violent films then behave more violently. Some of the evidence comes from life-span longitudinal studies in which children who are habitual viewers of violent movies and films grow up to be more violent young adults. Some of the evidence comes from studies in countries like the United States with wide open broadcasting. Some of the evidence comes from studies in countries with much more controlled broadcasting like Poland. As with all social science research, one can find a few studies that don't show much of an effect and a few skeptics; but the vast majority of researchers in the field now agree that prolonged exposure to violence in the media stimulates aggressive behavior in children.

We have learned a lot about the dimensions of this effect since it was first reported in the 60s. We know that television and film violence can affect youngsters of all ages, of both genders, at all socioeconomic levels and all levels of intelligence. The effect is not limited to children who are already disposed to being aggressive and is not restricted to this country or only to countries with many, many hours of television programming. We have learned that young children are most susceptible to being taught to behave more violently by films and television, but we have also discovered that the aggressive habits learned in early childhood are very persistent and resistant to change. More aggressive 8 year old children on the average grow up to be more aggressive adults, and the early learning experiences that media violence provide can affect behavior even decades later. Much of this research is by now not new. The 1982 NIMH report provided an excellent summary of the research to that date, and most of these conclusions could be found in it. And, as far back as 1972, then Surgeon General, Jesse Steinfeld, said, *"... it is clear to me that the causal relationship between televised violence and antisocial behavior is sufficient to warrant appropriate and immediate remedial action."*

Why do televised and film violence have such deleterious effects? Researchers have identified a number of psychological processes that are involved in producing the effect. First, young children imitate what they see others do -- particularly if the other is a desirable hero with whom the youngster can identify. It is well established that observational learning is one of the most powerful mechanisms through which children acquire social skills and learn how to behave in society. If a boy is surrounded by aggressive family members and peers who solve problems violently, then that boy is likely to learn violent ways to solve problems, what we call violent scripts for social behavior. Similarly, if a boy is constantly exposed to television and film heroes solving problems aggressively, the boy will mimic those behaviors. Secondly, though, we have discovered that repeated exposure to media violence, changes attitudes about the acceptability of violence. Viewers become more tolerant of violence in themselves because they come to believe the world is a more violent place. The youngsters who are experiencing the frustrations and rage that today's urban life may engender are less likely to inhibit aggressive and violent actions because the mass

media have taught them that aggression and violence are typical ways of behaving and are acceptable. Moreover, research has shown that attitudes and beliefs that specifically endorse aggression as a response to being disrespected or that make aggression against females seem acceptable can be taught by media portrayals. Third, continuous habitual exposure to media violence desensitizes children and adults to the negative emotional reactions that aggression and violence normally produce. After enough exposures the physiological signs of unpleasant emotions disappear and the viewer becomes relatively unaroused by violence. This, of course, makes the viewer less affected by the viewer's own violent acts. Finally, the very frequency of aggressive cues in the media clearly stimulates viewers to think of aggressive ways of responding that they otherwise might ignore. For example, numerous studies have shown that simply the sight of a gun stimulates children to think about aggressive actions.

What kind of violence in films and television is probably most detrimental then? It is often not the most bloody or even the most realistic. Studies have shown that young children think cartoons and other fantasy shows tell about life "just like it really is." Dramatic presentations of violence in the context of a compelling story are much more likely to have lasting effects than news program discussions of real violence. The most deleterious scenes are ones which graphically depict violent acts in which the perpetrator of the violence is a hero and is rewarded for the violence. Thus, a violent act by someone like 'Dirty Harry' which results in a despicable criminal being eliminated and brings glory to Harry is of much more concern than a bloodier murder by a nasty criminal who is brought to justice.

Given these psychological processes it is not surprising that the social behavior of children who have grown up since the advent of television should have been influenced adversely by media violence. And they have been. Our own longitudinal studies which are now just one element in a compelling body of research have shown that the extent to which 8 year olds in 1960 watched the shows that were then considered violent (e.g. Gunsmoke, 77 Sunset Strip) was related to how many fights they got into 10 years later as 19 year olds and to being arrested for violent crimes by the time they were 30 year olds. This was true even after one controlled statistically for IQ and socioeconomic variables.

Unfortunately, it is certain that our children are experiencing even more deleterious effects now. Recent research has shown that the amount of violence on network television hasn't changed much over the last 20 years. From time to time network television has taken some steps to reduce violence, but the overall amounts have not changed much according to most surveys. Moreover, the advent of the cable channels and the video recorder, and the proliferation of violent movies into the video market have exacerbated the situation dramatically. The best estimates are that the average child who watches 2 to 4 hours of network TV, cable TV, music videos, and feature film videos sees close to 10,000 murders by the time they leave elementary school. No wonder they become nonchalant about violence.

While it should be clear from the above evidence I have summarized that media violence is contributing to the increasing violence of our society, one must not fall into the trap of thinking it is the only factor. Severe violent behavior seldom occurs unless there is a convergence of numerous predisposing and precipitating individual and environmental factors including poverty, poor educational achievement, and neurophysiological traumas. Long term childhood exposure to violence in the media or in real life is one of these -- an important one. One can draw the analogy to smoking and lung cancer. The correlation between long term smoking and lung cancer is of similar magnitude to the correlation between long term exposure to media violence and violent behavior. Not everyone who gets lung cancer was a smoker, and not everyone who smokes (nor even most people who smoke) gets lung cancer. Similarly, not everyone who behaves violently was an habitual viewer of violence as a child, and not everyone who watches violent films and TV becomes aggressive. Yet, just as smoking raises the odds substantially of getting lung cancer, habitual childhood viewing of violent films and TV raises the odds of becoming a violent person.

Mr. MARKEY. Our next witness, Dr. Nancy Signorielli, is a professor from the Department of Communications at the University of Delaware.

Welcome, Doctor.

STATEMENT OF NANCY SIGNORIELLI

Ms. SIGNORIELLI. Good morning, Chairman Markey. My name is Nancy Signorielli. I am a professor in the Department of Communication at the University of Delaware. I testify here in my capacity as coprincipal investigator with Professor George Gerbner and others of the Cultural Indicators Research Project.

I have been actively involved with the examination of television violence since 1969. Today, I would like to review the findings of existing studies and report some preliminary findings from a study currently being conducted by myself, my colleague Douglas McLeod at Delaware, and our students, and comment on some of the implications.

The analysis all revealed the continued and remarkable stability of violence on television. Each year between 1967 and 1969 more than 70 percent of prime time network dramatic programs included some representation of violence, with about five violent actions per program and a similar number of violent actions per hour. Children's programs have become saturated with violence, much of it comic in nature, with a considerable rise in the amount of violence in children's programs broadcast in the 1980s.

Professor Gerbner's recent analysis of cable originated and broadcast network programming sampled in the fall of 1990 and 1991 revealed that cable-originated children's programs had substantially less violence than children's programs broadcast on the networks. On the other hand, cable's general programming, particularly its action/adventure programs, were more violent than similar programs broadcast on the networks.

Finally, my preliminary analysis of a week of all prime time programming broadcast on ABC, CBS, NBC, and Fox, in February of 1993, revealed with 95 percent of the sample analyzed that action programming dramas and the relatively new genre of reality programming had similar and fairly high levels of violence. This latest study also found there was considerably more violence in the early evening before nine o'clock than in the later evening hours.

We have been immersed in a tide of violent representations that is historically unprecedented. Violence on television is quite different from the expression of violence to illustrate the tragic consequences of interpersonal conflicts, accidents or even acts of nature. Television violence is antiseptic with few real consequences, little pain, and even less blood. Dramatic violence is a quick and easy solution to any number of problems, all of which are solved, usually to everyone's satisfaction, and often happily, typically within an hour.

More importantly, the increasingly popular and cheap to produce genre of reality programming provides violent images in the true spirit of voyeurism. Today, when violence occurs those on the scene are more likely to run to find their camcorder and to start videotaping than to offer assistance or run to the telephone to find help.

What are the consequences of exposure to television's violent world? What does it mean for most Americans, especially our children, to spend between one-fifth and one-sixth of our waking hours each day with television? Studies have demonstrated that exposure to violent programming may desensitize and lead to imitation. Studies have also found that children who watch violent programming may behave in more aggressive ways. These are not the only effects.

Some of the effects of immersion in television's violent world are more intangible and influence how people perceive the world in which they live. Our studies have shown that among those who watch more television, television's mean and dangerous world, cultivates a sense of relative insecurity, vulnerability and mistrust. Research conducted over the past quarter of a century has indicated that violence is a staple in programming and that it does have any number of effects. Yet we must continue to monitor television content and examine its effects, particularly in the upcoming year, and particularly must explore the content and effects of the reality-based programs.

I would like to see violence reduced on television, and particularly in programs designed for our children. But such change cannot be achieved through censorship, legislation or outright bans. Rather, we have to examine the global marketing strategies which may be at the root of the problem. Violence is a staple in programming because it is easily understood. It transcends language. It travels well. We also need standards with some teeth.

We must become a media literate society. We must encourage and facilitate parents and particularly our schools to teach media literacy. We should strive to enable our children and their parents to examine when and why they watch, and to critically assess what they watch, to watch together, and to talk about what they see. A rating system may be one step in the right direction.

Thank you very much.

Mr. MARKEY. Thank you, Doctor, very much.

[The prepared statement of Ms. Signorielli follows:]

TESTIMONY BY NANCY SIGNORIELLI FOR THE HOUSE
ENERGY AND COMMERCE COMMITTEE'S
SUBCOMMITTEE ON TELECOMMUNICATIONS AND FINANCE
OVERSIGHT HEARING ON
TELEVISION VIOLENCE AND ITS IMPACT ON CHILDREN
MAY 12, 1993

My name is Nancy Signorielli. I am a Professor in the Department of Communication at the University of Delaware. I testify here in my capacity as co-principal investigator (with Profs. George Gerbner and Larry Gross, University of Pennsylvania, and Michael Morgan, University of Massachusetts) of the Cultural Indicators research project which has tracked violence (and other themes) on television since 1967.

Cultural Indicators is a data bank and research project that relates recurrent features of the world of entertainment television to viewer conceptions about the real world. The research began in 1967-68 with a study for the National Commission on the Causes and Prevention of Violence. It continued under the sponsorship of the Surgeon General's Scientific Advisory Committee on Television and Social Behavior, the National Institute of Mental Health, the White House Office of Telecommunications Policy, the American Medical Association, the Administration on Aging, the National Science Foundation, and other foundations.

As part of this ongoing program of research, my colleagues and I have periodically published a Violence Profile, including the Violence Index (the frequency and rate of violent representations) and several measures of the relationships that may exist between television viewing and people's conceptions about the world. Selected references to the Violence Profiles and other relevant studies are included in the Bibliography.

Today I would like to review the findings of the Violence Profile released in 1990, report upon Professor Gerbner's recent examination of violence in network and cable programming, and report some preliminary findings from a study currently being conducted by myself, my colleague, Douglas McLeod, and our students at the University of Delaware.

These studies are all based on the simple and straightforward definition of violence as any overt act or threat to hurt or kill a person. It includes violence that occurs in a realistic and serious context as well as violence that occurs in a fantasy or humorous context. Idle threats, verbal abuse, or gestures without credible violent consequences are not included.

In each of these analyses week-long samples of programming were videotaped. The tapes are screened and coded by trained analysts using an extensive instrument of analysis. The instrument requires the reliable observation by independent coders of many aspects of the programs and their characterizations.

The Violence Index combines three sets of observations to provide a single indicator of violence which is sensitive to a range of multidimensional program characteristics. The observations measure (1) the percent of programs containing any violence (%P), (2) the rate of violent actions per program (R/P) and per hour (R/H), and (3) the percent of major characters involved in violence (%V) either as perpetrators or victims or both. The Violence Index is the sum of these measures with the rates of violence and the percent of major characters involved in killing weighted by a factor of two.

The report issued in January of 1990 revealed the continued and remarkable stability of violent (and most other) representations in network dramatic programming. Although individual programs change from season to season, the overall structure of dramatic representations endures over time, reflecting network television's stable and still robust institutional position in American society. This analysis of violence in network drama, action adventures, and situation comedies, found that for each year between 1967 and 1989 more than 70 percent of prime-time programs included some representation of violence, with about five violent actions per program and a similar number of actions per hour. About half of the major characters in these programs were involved in some type of violence and about one in ten in killing.

This analysis also revealed that children's programs broadcast between 1976 and 1989 (particularly those programs broadcast in the 1980s) were saturated with violence, much of it comic in nature. Between 1967 and 1979 violence in children's programming occurred at a rate of 18.6 acts of violence per hour; after 1980, however, the rate of violent actions increased to 26.4 acts per hour. These programs have roughly five times as many violent actions as those in prime time.

Professor Gerbner's analysis of cable-originated and broadcast network programming, sampled in the fall of 1990 and 1991, revealed similar amounts of violence. There were differences, however, in the amount of violence in children's programs and action adventure programming. Cable-originated children's programs had substantially less violence than children's programs broadcast on the networks. On the other hand, cable's general programming (non-child oriented) and particularly its action-adventure programs were more violent than similar programs broadcast on the networks.

The preliminary analysis of a week of all prime-time network programming broadcast on ABC, CBS, NBC, and FOX in February 1993 revealed figures similar to those found in Gerbner's analysis of network programming broadcast in the fall of 1991. Overall, with 95% of the sample analyzed, violence appeared in 63.3% of the programs, at a rate of 4.2 acts of violence per program and 5.0 acts of violence per hour. This analysis goes one step beyond the work previously cited because it includes non-dramatic as well as

dramatic programs. The preliminary examination of violence in different program genres is presented in Table 1.

In short, this analysis revealed that action (crime, westerns, action-adventure) programming, dramas, and the relatively new genre of reality (e.g. "Cops," "Eyewitness Video") programming had somewhat similar levels of violence. Violence appeared in 73.3% of the reality programs at a rate of 5.3 acts of violence per program and 7.5 acts of violence per hour. The overall prevalence of violence in action adventures was higher (88.9%) but the rate per program (5.0) and the rate per hour (4.7) were lower than the reality program. Interestingly the most violent genre in this week-long sample was the variety shows, including specials on "Television's Greatest Moments," "TV's Funniest Commercials," and the 25th anniversary of Rowan and Martin's "Laugh In."

Table 1: VIOLENCE IN PRIME TIME

Genre	Percent of Programs with any violence %P	Rate per Program R/P	Rate per Hour R/H	Violence Index
Sit-Comedy (N=36)	52.8	1.4	2.7	85.6
Action-Adv(N=9)	88.9	5.0	4.7	165.4
Drama (N=19)	63.2	5.4	4.2	120.8
Reality (N=15)	73.3	5.3	7.5	145.9
Variety (N=7)	85.7	13.0	11.4	195.6
News-Mag (N=4)	25.0	2.3	2.2	42.0
Total (N=90)	63.3	4.2	5.0	156.3

This latest study also revealed that there was considerably more violence shown in the early evening hour (before 9 p.m. EST) than in the later hours (between 9 and 11 p.m. EST). Violence appeared in 71% of the early evening programs compared to only 56% of the late evening hours. In the early evening the rate per program was 5.7 acts of violence while in the later hours the rate per program was 2.7 acts. Similarly, the rate per hour was 7.1 actions in the early evening compared to 3.2 acts per hour during the late evening programs.

Television's Impact

Television did not invent violence. It just put it on the assembly line and into every home. Television is the only medium that reaches virtually all homes with roughly the same pattern of images and messages.

Video mayhem pervades the typical American home, in which the television set is turned on for an average of seven hours each day. Cable, which is found in more than 6 out of 10 American homes, presents roughly the same pattern of images, and serves to increase the overall amount of viewing time, particularly in those households that subscribe to the premium channels. Essentially, for the past quarter of a century, each evening the American public, adults and children alike, have been entertained by about 16 violent acts, including two murders. In addition, our children are exposed to more than 20 acts of violence during each hour of viewing on Saturday and Sunday mornings. While cable's offerings for children are somewhat less violent overall (violence occurs at a rate of 17 acts per hour), it is still hard to find non-violent programs to watch because more than three-quarters of these programs have some violence.

We have been immersed in a tide of violent representations that is historically unprecedented. Through an era of deregulation, corporate shakeups, and increased competition, the tide of violent representations shows little sign of receding. Violence on television, however, is quite different from the expression of violence to illustrate the tragic consequences of interpersonal conflicts, accidents, or even acts of nature. Television violence is antiseptic with few real consequences, little pain, and even less blood -- Who calls for help, who lives with the tragic consequences of a fistfight, gunshot wound, or a very serious accident. Dramatic violence is a quick and easy solution to any number of problems, all of which are solved, usually to everyone's satisfaction and often happily, typically within an hour.

More importantly, the increasingly popular, and cheap-to-produce genre of reality programming provides violent images in the true spirit of voyeurism. Today, when violence occurs, those on-scene are more likely to run to find their camcorder and start videotaping than to offer assistance or run to the telephone to find help.

What Viewers Learn About Violence and the World

What are the consequences of exposure to television's violent world? What does it mean for most Americans to spend between one-fifth and one-sixth of their waking hours each day with television? Studies have demonstrated that exposure to violent programming may desensitize and lead to imitation of certain violent actions. Studies have also found that children who watch violent programming

may behave in more aggressive ways. But these are not the only effects of living with violence.

Some of the effects of immersion in television's violent world are more intangible and influence how people perceive the world in which they live. Cultivation Analysis is an attempt to ascertain if those who spend more time watching television (heavy viewers) are more likely to perceive the real world in ways that reflect the most common and repetitive messages and lessons of the television world, compared with people who watch less television but are otherwise comparable in important demographic characteristics.

Our studies have shown that among those people who spend considerable time watching television, television's mean and dangerous world cultivates a sense of relative insecurity, vulnerability, and mistrust. We have consistently found that those who watch more television are more likely than comparable groups who watch less television to express a feeling of living in the self-reinforcing cycle of a mean, dangerous, violent, and repressive world. In particular we have found that women, young and old people, and some minorities rank as the most vulnerable to victimization on television. We have also found that symbolic victimization on television and real world fear among women and minorities, even if contrary to the facts, are highly related.

If anything the research conducted over the past quarter of a century has indicated that violence is a staple of television programming and that it does have any number of effects upon viewers. It has been an issue of concern although not always in the foreground of our consciousness. There is a need to continue to monitor television content and examine television's effects. In particular we must explore the effects of the popular (and violent) reality-based programs because research on perceived realism has revealed the importance of this factor.

I would like to see violence reduced on television, and particularly in programs designed for children but such change cannot be achieved through censorship, legislation, or outright bans. Rather, we have to examine the global marketing strategies which may be at the root of the problem. Violence is a staple in programming because it is easily understood -- it transcends language, it travels. We need to free our creative talent from the constraints of formula-driven programming.

We must become a media literate society. We must encourage (and facilitate) parents and particularly our schools to teach media literacy. We should strive to enable children and their parents to examine when and why they watch and to critically assess what they watch and to be willing to turn the set off. There is also a need to work with others, such as Professor Garbner, in forming a Cultural Environment Movement to build a constituency for non-governmental participation in cultural decision-making.

Mr. MARKEY. And our final witness, Dr. William Dietz, is here from the American Academy of Pediatrics in Washington, D.C. We welcome you, Doctor. Please begin.

STATEMENT OF WILLIAM H. DIETZ

Mr. DIETZ. Thank you, Mr. Chairman, members of the subcommittee. My name is William H. Dietz. I am a pediatrician at the New England Medical Center in Boston, and a member of the American Academy of Pediatric's Committee on Communications. It is an honor for me to be invited to discuss the Academy's concerns regarding the effects of television violence on children. We applaud your commitment to explore this critical issue.

In terms of overall childhood morbidity and mortality, violence is a problem that is as important as any of those before us on the national agenda. For example, in Massachusetts, Mr. Chairman, as you pointed out, in the last several weeks there have been four reported stabbings in the high schools—Acushnet, Dartmouth, Canton, and Blue Hills. Two of those stabbings have been fatal.

The recent data from the National Center for Health Statistics indicates that one in 4 deaths in adolescence is a consequence of firearms. Sixty percent of all deaths among African American males resulted from a firearm injury, and these rates have almost doubled in the last 5 years.

As Dr. Prothrow-Stith pointed out, the violence in our society is driven by a variety of complex factors, including drugs, poverty and violence in the home. Given the epidemic of violence that is upon us it may be more reasonable to ask where children acquire their information about problem-solving and why violence is the last, rather than the first, alternative selected.

The American Academy of Pediatrics believes that televised violence has a clear and reproducible effect on the behavior of children, that televised violence contributes to the climate in which we live, the frequency with which violence is used to resolve conflict, and the passivity with which violence is perceived.

As has been repeatedly emphasized by you and this panel, violence on television is frequent, effective, inconsequential and rewarded. The lingering psychological and physical effects of violence are rarely shown. Violence ends confrontations quickly and effectively without a need for patience, negotiation or compromise. Violence is practiced as often by the heroes as by the villains.

Because children so clearly learn from what they see, it should surprise no one that the violence on television clearly provokes violent or aggressive behavior in children. Children learn from television that violence is inconsequential, effective and rewarded. The absence of consequences of the violence that they see and the rapidity with which difficulties are resolved by the use of violence increase the likelihood that violence will be the first alternative selected rather than the last.

The rewards that the heroes receive for their violent behavior legitimize and tacitly endorse violence as a means of solving problems. Finally, the frequency with which children view violence and the lack of long-term consequences for the victims of violence desensitizes children and makes them more passive to acts of violence, and less likely to intervene when violence occurs.

Both parents and broadcasters must be held responsible for the television that children see. Many pediatricians now include counseling parents about the effects of television on children as part of their annual checkup.

Furthermore, we urge to limit the amount of television that their children view, to monitor what their children are watching, and to watch television with their children to help them learn from what they see.

However, even the most responsible parent has problems finding effective programs or programs that are free of violence. For parents, the only two alternatives that now exist are either to allow their children to watch television and be exposed to violence or to turn the television off.

To provide responsible parents with alternatives, the American Academy of Pediatrics strongly supported the Children's Television Act of 1990, which you, Mr. Chairman, introduced. We believe that the mandate that broadcasters provide programs of educational and instructional benefit to children as a condition for license renewal constitutes the most significant improvement in children's television in the last decade.

However, as you know, compliance with the bill's mandate has been limited. Networks cannot have it both ways. They cannot argue that this is a responsibility of parents and not provide alternatives for parents to let their children watch. Therefore, the Academy believes that broadcasters should now be required to provide one hour a day of programs of educational and instructional programming for children.

The Academy was also pleased, as were many members of this subcommittee, when the Television Violence Act was enacted in 1990, because it emphasized the magnitude of congressional concern regarding the problem of television violence, and it represented an opportunity for broadcasters to work together to make positive changes in the programs on television. We were further encouraged by the announcement of the Joint Standards on Television Violence and by the current plans for an industrywide conference.

However, as Mr. Bryant has pointed out, although the broadcasters agreed to limit gratuitous violence, glamorous depictions of violence, and portrayals of behavior that invite imitation by children, these are subjective judgments. No agreement was apparently reached regarding what we consider the more important characteristics of televised violence; that is, its frequency, its lack of consequences, its effectiveness as a problem-solving strategy, or the accolades received by the heroes who use it.

In this regard, the experience in Japan is instructive. In Japan, violence occurs just as often as it does in American television, but the violence is portrayed more realistically and its consequences are emphasized. Villains use violence more than heroes and heroes suffer the consequences. Such portrayals are much more likely to provide children with an aversion to violence and reduce the likelihood that violence will be the mechanism selected to resolve conflict.

These observations also suggest that the development and promotion of alternative dramatic strategies, such as those mentioned

by Ms. Stutman, to resolve confrontations as well as alternations in the characterization of violence serve our society well.

Freedom of expression does not absolve writers, producers and broadcasters of the responsibility to address this problem. The Communications Act declares that broadcast airwaves belong to the American public and that broadcast licenses cede free and exclusive use of the airwaves for a fixed period of time. However, in return broadcasters are required to serve the public interest, convenience and necessity. The Academy contends that de facto promotion of violence on and by television is not in the public interest.

Thank you for your concern and interest in this issue.

Mr. MARKEY. Thank you, Dr. Dietz, very much.

[The prepared statement of Dr. Dietz follows:]

STATEMENT OF WILLIAM H. DIETZ

Mr. Chairman, my name is William H. Dietz, M.D. I am a pediatrician at the New England Medical Center, a member of the American Academy of Pediatric's Committee on Communications, and chair of the Academy's Subcommittee on Children and Television. The Academy represents over 45,000 pediatricians in the United States who care and advocate for the health and well-being of infants, children and adolescents. It is an honor for me to be invited to discuss the Academy's concerns regarding the effects of television violence on children. We applaud your commitment to children and youth by holding this oversight hearing today to discuss this critical issue.

In comparison to the other issues that affect children, the issue of violence on television may not appear as compelling or as urgent as immunizations, the risk of AIDS for adolescents, or health care reform. However, in terms of overall childhood morbidity and mortality, violence is a problem that is as important as any of those before us on the national agenda. For example, in Massachusetts in the last 3 weeks, there have been four reported stabbings in the high schools of Acushnet, Dartmouth, Canton, and Blue Hills. Recent data from the National Center for Health Statistics indicate that one in four deaths among teenagers occurred by firearms. Sixty percent of deaths among African American males resulted from a firearm injury. From 1985-1990 the total firearm death rate for African American teenagers doubled.

The violence in our society is driven by a variety of complex factors, including drugs, poverty, and violence in the home. Given the epidemic of violence that is upon us, it may be reasonable to ask where children acquire their information about problem solving, and why violence is the first rather than the last alternative selected.

Although none of us hold television solely responsible as the only origin of violence, any discussion of violence in the United States must consider the influence of television. We believe that televised violence has a clear and reproducible effect on the behavior of children, that televised violence contributes to the climate in which we live, the frequency with which violence is used to resolve conflict, and the passivity with which violence is perceived.

Violence is an act intended to injure or harm. Violent acts that meet this criterion occur about 20 times an hour on children's programming, and approximately 8 to 12 times an hour on prime time television. Children spend approximately 25 hours per week watching television. If we assume that two-thirds of this time is spent watching prime time television and one-third watching children's cartoons, we find that children are exposed to a conservative estimate of over 12,000 violent acts per year.

Violence on television is frequent, inconsequential, effective, and rewarded. The lingering psychological and physical effects of violence are rarely shown. Violence ends confrontations quickly and effectively, without a requirement for patience, negotiation, and compromise. Violence is practiced as often by the heroes as by the villains.

Both epidemiologic and experimental studies have demonstrated a clear relationship in children between the viewing of televised violence and violent or aggressive behavior. Although we cannot say with assurance that an individual child will respond to violence on television with violent behavior, I believe that an argument can be made that violence affects the child population as a whole. The association between violent television and aggressive behavior has been demonstrated in mul-

tiple studies. The more violent television children watch, the more likely they are to be violent or aggressive. Other societal factors, such as domestic violence and child abuse, may figure into the prevalence of violence in our society, but surely repeated exposure to televised violence must also be a contributing factor.

Because children learn from what they see, it should surprise no one that the violence on television clearly provokes violent or aggressive behavior in children. The absence of consequences of the violence that they see, and the rapidity with which difficulties are resolved by the use of violence, increase the likelihood that violence will be among the first strategies that a child selects, rather than the last. Also, the rewards that the heroes receive for their violent behavior legitimize and tacitly endorse violence as a means of solving problems. Finally, the frequency with which children view violence, and the lack of long-term consequences for the victims of violence, desensitizes children and makes them more passive to acts of violence and less likely to intervene when violence occurs.

Among the strongest observations is the meta-analysis that was done which looks at each of the studies as an independent observation. When examined in this context there appears to be a very strong clear and consistent relationship between viewing televised violence or aggressive behavior and violent or aggressive behavior in children. Therefore, although some negative studies exist, the weight of evidence strongly supports a causal linkage between television violence and child behavior.

The repeated denials by network executives that televised violence has no effect on the behavior of children or adolescents are inconsistent with the use of repetitive commercials to sell products. Children clearly respond to commercials. The inability of children to distinguish between commercial and program content led the Federal Trade Commission to require a break between cartoons and commercials. This decision recognizes that young children have difficulty distinguishing fantasy from reality. Therefore, we can expect no difference between the effect of a fantasy on human character or the development of early childhood behavior. It is illogical to argue that children will not also respond to the violence that they see, which occurs far more frequently on television than does any commercial.

Both parents and broadcasters must be held responsible for the television that children see. Many pediatricians now include counseling parents about the effects of television on children as part of their annual visit. Furthermore, we urge parents to limit the amount of television that their children view, to monitor what their children are watching, and to watch television with their children to help them learn from what they see. However, even the most responsible parent has difficulty finding programs that are suitable for young children. For parents, the only two alternatives that now exist are either to allow their children to watch television and be exposed to violence, or to turn the television off.

To provide responsible parents with alternatives, the American Academy of Pediatrics strongly supported The Children's Television Act of 1990 which you introduced, Mr. Chairman. We believe the mandate that the broadcaster provide programs of educational and instructional benefit to children as a condition for license renewal constitutes the most significant advance in children's television in the last decade. However, compliance with the bill's mandate has been limited. To help parents to fulfill their responsibilities, the Academy believes that broadcasters should now be required to provide 1 hour a day of programs of educational and instructional programming for children. Although cable television provides some of these alternatives, even the most optimistic estimates suggest that 40 percent of the population cannot afford this option.

It is unfortunate that violence is part of the fabric of America. In most other countries the content of programming for children is carefully designed to limit their exposure to themes felt to have an adverse effect on development. In Japan, for instance, televised violence occurs with a frequency comparable to the United States. However, television violence in Japan tends to be portrayed more realistically and the consequences are emphasized. The villains use violence more than the heroes, and the heroes suffer the consequences. Such portrayals are much more likely to provide children with an aversion to violence, and reduce the likelihood that violence will be the first strategy they adopt to resolve conflict. These observations suggest that the development and promotion of alternative dramatic strategies to resolve confrontations, as well as alterations in the characterization of violence, could serve our society well.

Incongruous as it may seem, children's television programs in the United States are based on commercial benefits to sponsors rather than developmental benefits for children. However, the Television Violence Act enacted in 1990 allows broadcasters an opportunity to be a part of the solution in curbing the amount of violence we view during television programs by allowing them to develop voluntary guidelines

on violence without fear of breaking antitrust laws. We hope that this hearing will encourage broadcasters to act responsibly.

Artistic license does not absolve writers, producers, and broadcasters of the responsibility to address this problem. The Communications Act declares that broadcast airwaves belong to the American public. Broadcast licenses cede "free and exclusive use" of the airwaves for a fixed period of time, but in return they are required to serve the "public interest, convenience, and necessity." The Academy contends that the *de facto* promotion of violence on and by television is not in the public interest.

Thank you for your concern and interest in this vital issue.

Mr. MARKEY. That concludes the opening statements of the witnesses. The Chair will recognize himself for an opening round of questions.

And let me try to pin something down here, so that we can get some scientific testimony on this subject and just understand the nature of the debate.

Many people are willing to accept a connection or a link or a correlation between TV violence and real violence, but there is still an open question in many people's mind as to whether or not television causes subsequent violent behavior. As behavioral scientists, are you convinced that the accurate way to describe this is that TV causes violence? And if the answer is yes, is it a major or significant cause of violence in our society?

Dr. Huesmann?

Mr. HUESMANN. Yes, I am convinced that habitual exposure to television violence causes children to be more aggressive, and furthermore, causes them to be more aggressive when they grow up. I base that statement on the whole body of literature that has now become available. Some of that literature studies children under very controlled laboratory situations in which children are randomly assigned, some to see aggressive films, others to see non-aggressive films. And the children who see the aggressive films behave more aggressively.

Others follows children throughout their life course, as our own studies, from about the age of 8 to age 30. Those studies show that children who watch more violent television when they are children grow up even at age 30 to be detectably more aggressive, more violent. It is a combination of those together that presents a compelling picture.

Mr. MARKEY. Dr. Centerwall?

Mr. CENTERWALL. I perfectly agree with Dr. Huesmann. I would just like to elaborate on one point, and that is that a contrary position is often put forward as if to say, Yes, you expose a group of children to violent or nonviolent entertainment and some of the children act more violently. How do we know this isn't simply the fact that they are more aggressive children and that being more aggressive they are attracted to watching violent television, that is why they are more aggressive.

But, in fact, in repeated stories it has been shown that long-term exposure of children in the general population to television as it is actually watched leads to absolute increases—in fact, doublings—of rates of violence, so that the evidence is not simply a matter of the question of which comes first, and the evidence is not one of saying that, Well, more aggressive children just like to watch more aggressive television and nothing is causing anything. There are very real increases in violence in an absolute sense.

Mr. MARKEY. Thank you. Dr. Prothrow-Stith?

Ms. PROTHROW-STITH. I would only add that I agree with both prior responders, and Dr. Huesmann partner, Leonard Eron, has done a meta-analysis of over 200 studies looking at the impact of violent television on children and has concluded very definitely that there is this causal relationship.

Earlier, someone used the analogy with the tobacco industry, and I am reminded—and I used to watch as a child the hearings, when the tobacco industry would come forth and say, Well, lung cancers are associated but not caused by smoking, and there is some nitpicking that can take place at this point even over research methodology. But I think without a doubt when you do the kind of meta-analysis that Dr. Eron did of the large numbers of studies that have been done the causal relationship is pretty clear.

Mr. MARKEY. So the mystery then in your mind is not whether violent television programming causes violence but why all of this evidence still continues to mystify the TV industry in terms of their changing their behavior?

Ms. PROTHROW-STITH. Yes. And sometimes I feel like I am Alice in Wonderland. That, you know, people are saying it is up when it is really down and it is in when it is really out. I am also somewhat amazed that we don't ask for the same level of evidence around issues of sexuality, yet we do some censoring of what can be shown to children on television.

And I do think that in some ways, because those who were most at risk for violence tended to be urban and tended to be poor, we were more willing to say, Well, you show us some evidence that this is bad. Around sexuality we made a different kind of judgment and I think that may be in part because it was a judgment people were making about their own children and the risk that they may have.

In some ways this problem of silence is spreading across America, and the attitudes are spreading across America, and the behavior is spreading across America, and I think we are bound to get a little more attention, and hopefully some better judgment, about this issue.

Mr. MARKEY. My time has expired.

The gentleman from Texas.

Mr. FIELDS. Dr. Centerwall, in your statement two sentences really jumped out at me. One was the statement that the principal conclusion was that the introduction of television in the United States in the 1950's had led to a doubling of the U.S. national homicide rate in the 1960's and 1970's, and a doubling which has been sustained in the 1980's and 1990's. And then skipping a sentence, the sentence "It was concluded that exposure to television is a causal factor behind approximately one-half of the homicides committed in the United States, or approximately 10,000 homicides annually."

It really—just to go a little bit further with the chairman's question, how did you prove that this is a causal factor? Because saying that something is a causal factor to me is a very strong statement.

Mr. CENTERWALL. It is a strong statement, and the research took 7 years to do before I finally published it. And when it was published, it was published in a report 58 pages long and in fine print.

Now, the basic observation was that in the United States, and in Canada, rates of homicide have doubled since the 1950s, and among epidemiologists, we look at questions like, Does cigarette smoking cause lung cancer? What causes AIDS? What are the effects of lead in drinking water and so forth? When we see a major change in the frequency of something like, for example, homicide, it necessarily implies that something is causing that change.

Now, the issue then is not the magnitude of the change, which is simply an observational fact, the question now is what is causing that change. In such a study—this will take a few minutes. I have a written statement which I passed around and it has a few graphs in it which may help illustrate what I am saying. In such a study, what one wants to do as a first step is to compare a population with television with a similar population without television, and this was found to be so with the white population of South Africa, which had no television at all until 1975.

This was despite the fact that white South Africans were well educated, urbanized and lived in a material culture very much like ours, and could have had television introduced at the same time as the United States but it was chosen not to.

I looked then at homicide rates to see what happened in these three countries—United States, Canada and South Africa—to see what happens to the homicide rates during this period of time when South Africa had no television. I chose homicide because homicide deaths are extremely well enumerated, very well counted. Whenever somebody is murdered there are grave personal, legal, social repercussions, and the police and medical authorities keep a very accurate tabulation. This is excellent for statistical purposes, because it means then that when you see a doubling in homicide rates you know that indeed they have doubled. This is not a matter of changes in reporting.

So what was observed in the United States following the introduction of television was that about 10 to 15 years later there was a doubling of the white homicide rate in the United States. Also, in Canada there was a doubling in the homicide rate following the introduction of television—again, about 10 to 15 years later. During the same period of time there was no increase at all among white homicide rates in South Africa. In fact, it went down there somewhat.

When I first published my findings, I predicted that in about 10 to 15 years after the introduction of television into South Africa that there would be a doubling of white homicide rates there. And, as of 1987, it had increased there by 130 percent, as predicted.

Now, that all is just a first step. Now I will go into the second step, which is the key step. That is, that when you have looked at these trends you are left with the question of is there something that the researcher—myself, for example—has not taken into account, something that might be explaining these trends, these doubling of rates in Canada and the United States and a non-increase in South Africa. One of the reasons for including Canada is because it controls for a bunch of variables. For example, if one looks at the graphs you see a doubling in homicide rates in the 1960's, 1970's, and it would be very easy to say, Well, this could be due to U.S. involvement in the Vietnam War or turbulence of the civil rights

movement. But you are doubling in Canada at exactly the same time in their homicide rates and they were not involved in the Vietnam War and did not have these turbulences of the civil rights movement. You can eliminate those hypotheses right there.

I did the same kind of thing with an array of variables which I earlier alluded to: urbanization trends, baby boom trends, economic trends, capital punishment, availability of firearms. What if I have missed something? What if there is some factor that I haven't thought of which is there causing an apparent relationship between television homicide rates and which I haven't put my finger on? Furthermore, maybe there is something that nobody has put their finger on. Maybe nobody has thought of that variable. Maybe it is an invisible variable, I mean in the sense that it cannot be even readily measured.

This brings me to step two, which is basic scientific technique, which is hypothesis testing. Where the observation that television appears there is a subsequent doubling in the homicide rate. If this is actually a true relationship, a causal relationship, we should be available to predict certain results which will also follow from this.

This will take about 5 more minutes.

Mr. FIELDS. Well, I don't think the chairman is going to give me that much time. I appreciate your explanation.

Mr. CENTERWALL. OK.

Mr. FIELDS. Let me ask you—of course, the witnesses here are basically corroborating your research. Is there any international corroboration? Your colleagues from other countries who have basically corroborated the same findings?

Mr. CENTERWALL. I am not sure what you mean by corroboration. The data is international, if that is what you mean.

Mr. FIELDS. I mean researchers from other countries basically coming up with the same causal link in their research.

Mr. CENTERWALL. Oh, yes. Oh, yes. There have been a couple of good studies out of Canada which have shown the same thing on a much smaller scale. A study done in British Columbia looking at the introduction of television into a town there which didn't have any until 1973 found that there was a doubling in rates of physical aggression among the children there, an increase of 160 percent after 2 years of exposure to television. Other studies in Indian reservations.

Mr. FIELDS. Thank you, Mr. Chairman.

Mr. MARKEY. The gentleman's time has expired.

The gentleman from Oregon.

Mr. WYDEN. Thank you, Mr. Chairman.

As you listen to all this, what I come back to is this is essentially about cash, and, in effect, everything in television is about cash. Every member up here has been talking about how they are against censorship. One of the things that I learned last Fall is the networks had no reservation about being for censorship when it is in their commercial bottom-line interest. We were interested in their holding off on announcing election returns in the Pacific Northwest. They said that was censorship. Well, I found out they had no problem holding off announcing sports scores so that they could boost viewing for tape delay when it was in their commercial interest. So this is about dollars. That is what this is about.

And I really want to ask you just one question. A number of experts—and George Will writes a very good column in the Post—in effect, cite this problem as one involving a network big advertiser complex. That is what this problem really stems from is the networks feel that the way to attract advertisers is to show these violent kind of programs. The violent programs produce lots of advertising. That is a commercial winner. And George Will says that he doesn't think there is much hope for the television industry to co-operate.

I am not that skeptical, and what I want to ask you is whether, in effect, we are using this fight by default? And I would be very curious whether there is any research which would show what happens when a good, wholesome, family-oriented show is put right up in direction competition to one of these violent shows and the wholesome show gets as much promotion, as much resources, as much advertising? Is there any research what happens in those kinds of instances which would, in effect, allow us to make the case to the TV people, Hey, you are not even trying. At least try to give these wholesome shows a chance to compete against the violence. Is there any research on that particular point that any of you are familiar with?

Doctor?

Mr. DIETZ. There are at least three national experiments that I am aware of that kind of fall under that category. The first was, and members of the subcommittee probably remember this much better than I, but years ago when local broadcasting was mandated, that broadcasters were mandated to broadcast an hour of programs of local interest, and complained bitterly that it was financially untenable, and what they have come up with has been the evening news, which is now the most profitable component of broadcasters' income. That accounts for about a third of their daily income.

A program which fits exactly what you describe is "The Cosby Show." That was shopped around for several years before the networks finally agreed that, Well, maybe we will give it a shot, and it became the most popular show on television.

Mr. WYDEN. Is there evidence, for example, that a "Cosby Show" up against these violent programs, "The Cosby Show" is a commercial winner that can bring as many advertisers in the door as these violent shows? To me, that is when we win this.

Mr. DIETZ. Well, certainly if a show gets the ratings it is going to bring the advertisers. It may not bring the type of audience that are the high dollar advertisers like the beer or car commercials, but it certainly brings the advertisers.

Mr. WYDEN. Others?

Mr. HUESMANN. It seems to me you have really hit the nail on the head. I mean I think this is a question of dollars. But I think it also involves the viewer. It is violence sells and violence is cheap to produce, and it is those two things together. I have no question that well-produced shows can compete very well against violent shows. Generally, however, they cost more to produce because they have to be good. They require good script writers, good producers. You can't just throw anything together and throw it out there.

The thing about violence is you can throw anything together or put it out there, and you will attract people. As psychologists, we think this is because of a number of dimensions like the action, the emotional ups and downs it produces, and so on. Violence attracts viewers, violence is cheap to produce. If the only considerations are economic therefore there is a market for it.

Mr. WYDEN. The only other question I would like to ask is I am very skeptical of this voluntary effort, and I cited the fact that they could have done this in May. I mean right now we are having this bloody month. I outlined what happened literally from the first week to what is coming up in the last week, just one bloody show after another. We didn't need any voluntary guidelines in order to take action to improve programming right now.

Are you all more confident of what is going to happen under these voluntary guidelines? Doctor?

Ms. PROTHROW-STITH. I can't say that I am more confident, but I do feel a bit more optimistic about the entire approach to preventing violence in America, in part because I know we have had a dramatic change in attitudes in this country around cigarette smoking, for instance. I remember buying candy cigarettes, standing in front of the television movies imitating all the beautiful people smoking. And now, in Boston, people stand outside when it is 5 degrees smoking because it is offensive, it is unhealthy, the buildings are smoke-free, the planes are smoke-free. That represents a major change in attitude.

And right now, you are right, violence does sell because we have raised children who have learned to enjoy it. You don't naturally know when to laugh when you watch your first cartoon, but the laugh track, the music, the other children around you help you learn when to laugh.

And in some ways I am a bit more optimistic, because I think we can have that same dramatic change in attitude around this issue of violence. And I think the ratings issue is an important one. I think the issue of zoning television so that violence is at a particular time is an important one.

There are just lots of strategies that we ought use, and I don't think any one strategy is going to really solve this problem. For me, the most exciting is to make violence unpopular, which is why I go into the high schools and I tell students a lot of people make a lot of money making you think that violence is successful and funny. But you have been to enough funerals to know that it is not. And I need you to stop the hype about violence.

So, in some ways I am more optimistic. I don't think programming this Fall is going to be much different, quite honestly. But I do think we will get somewhere on this issue. And I think ratings and this hearing and zoning are very important ways for us to put that whole piece together.

Mr. WYDEN. My time is up. I would just conclude by saying that we are going to get somewhere. There isn't any question about it. Because what you are seeing with the members here today is really kicking off a full court press. I mean we are going to use every possible opportunity. The bully pulpit that you have when you go into the schools is wonderful.

I think ultimately we are going to have to have some measures with teeth. Even in the tobacco area, we really made progress when Congress passed a law, knocked off the tobacco industry for the first time on the floor of the House, and banned smoking on the airlines. That opened a lot of eyes.

We are going to use every strategy here and try to make sure that when you all come back for another hearing before Chairman Markey's subcommittee we can celebrate moving to a solution here, and not just discussing the problem.

And I thank you, Mr. Chairman.

Ms. PROTHROW-STITH. Thank you.

Mr. MARKEY. Thank you. The gentleman's time has expired.

The gentleman from Ohio?

Mr. OXLEY. Thank you. Thank you, Mr. Chairman. I remember when I was growing up we were always told that if you spend too much time in front of the TV set you will get fat and out of shape. As a matter of fact, the administration at that time set up the National Council on Physical Fitness because they were worried that the American children would get out of shape. Now, that is the least of our worries. What a change it has been in 20-plus years in television and the violence.

And now we see what appears to be a race of the miniseries to get the Waco disaster on network television, just like we had the "Amy Fisher Story" on all three networks. And now there is a big race to get that on because this is made for television. I mean just think about that. A religious cult leader, throw in a little bit of gratuitous sex, a lot of violence, ATF agents being killed, probably in slow motion, the final denouement—I mean this is just too much for the networks to resist.

I am sure as I speak all three major networks are out there starting to film probably so that they can get it on preferably during prime time and preferably during the sweeps week.

Ms. RAKOLTA, you are from my State, or my neighboring State to the north, and I have been aware of your work. And I want to say, with due respect to the academicians here, you are the real person on the panel, if you will. I wondered if you would just share with the committee what caused you to become the person that you are today, and that is, a leading spokesperson for what I think is a very effective cause, and maybe a little bit of experience that you have had with the networks specifically in trying to get your message across? I think the committee would be interested in that.

Ms. RAKOLTA. Well, how it started, it was about 5 years ago. I came home, it was 4:30 in the afternoon, and I have three young children who were 8, 9 and 10 at that point in time. Two of my children asked me—told me that my one 8-year-old daughter was crying in the bedroom. So I went upstairs and I asked her what the problem was, and she said to me that she didn't know that ladies had sex with dogs. You asked for this.

And I said, "Where did you hear this?" And it was on an afternoon talk show and the topic of discussion that day was—it was on "The Oprah Winfrey Show" and they were talking about women that have sex with animals. She thought it was real. She was very—I hadn't even talked about sex with people at this point in time.

So I started watching afternoon television and it had dramatically changed. They had on the tabloid shows that showed a man that was tying women to chairs. He had them gagged and tied and he was strangling them one after another. They had divorce court specials that talked about a man that was asking the judge to divorce his wife because he came home and found her completely undressed in bed with two other women. This was afternoon television.

You know people say, Well, the parents should be responsible. We accept our responsibility. But the primary responsibility is with the licenseholder. That is the primary responsibility.

Sixty-eight percent of the mothers work in this country. They are not working for the extra BMW; they are working because they need a two-income family. They are not there. At least 33 million children at home in a custodial-type relationship: 18 million of these children are from single-parent families, and 8 million are latchkey children. They are being thrown into an adult accelerated world. The messages are too strong and they don't have a frame of reference to decipher what is real and what isn't real.

You know, I try and watch—more than anyone I know, I try and watch what my children are watching. I came home a couple of weeks ago—well, actually it was a month ago, and my children were watching “Silence of the Lambs.” I said, you know, “How did you get this?” I mean I had to make a conscious decision whether I wanted to see a movie like this, and go to a movie theater.

And it was cable. They were running—number one, we don't get any of the premium channels because of the uncut R-rated material, the violence. Cable had unscrambled our signal that was a movie channel and my children were sitting there watching “Silence of the Lambs.”

My son said to me, my 12-year-old son, “I just can't get those pictures out of my mind.” He was so upset with the images that he saw.

I mean we are really trying as parents. I let me children watch the Inauguration. The promo during the Inauguration was of a woman that was actually being shot in a cemetery. This man put seven bullets into her. My children were horrified.

We were watching “Diary of Anne Frank,” which we thought would be, you know, somewhat safe with the content factor. The promo for that movie was about—it had a little girl, it showed a snapshot of this young girl and you hear a voice, it is a voice-over and she is crying and she is saying, “Mommy! Mommy! Why are they doing this to us?” And then a man said, another voice-over, he said, “Here are the little girl's last dying words.” Well, before she was murdered, her and her mother, I guess she was running a tape recorder.

I mean my children, again, are being traumatized, and I can just imagine what is happening to the other children when the parent isn't there to hear and see what they are seeing.

It is a toxic wasteland. We really need help.

Mr. OXLEY. Dr. Dietz, you had talked about the network news, I mean, or even the local version of the network news literally every night, I think you can say without fail, that the lead story is some kind of a juicy murder somewhere in this area or Ohio or

Michigan or wherever it may be. And the network news apparently is not much better with some of the things that you see going on in Bosnia and Somalia and throughout.

Is there a difference, in your estimation, Dr. Dietz, between the gratuitous violence that is shown on prime time and what people may see, particularly children may see on the news? And do the networks have an obligation in some respect, and the local broadcaster have some kind of an obligation to parents and children when they seek to not only show that but in many cases put a teaser on in the afternoon that this is what you are going to see on the network or the nightly news, so stay tuned because we are going to show you a lot of blood and gore.

As a matter of fact, our colleague from Massachusetts took the floor last year and denounced one of the major networks for actually showing the pictures of the autopsy of President Kennedy and showing it on the network news.

I am just asking you is there a responsibility, beyond the prime time, the networks have in regard to news?

Mr. DIETZ. I think that is a very difficult question. I think one of the distinctive differences between news and broadcast television is you know exactly what you are getting when you turn it on, and the two tenets that are most important to pediatricians and to the parents that we serve are parental control and alternatives. I think parents know often what is going to be on the news. They don't know what the advertisement is going to be that flashes into the middle of shows that children watch.

I am not sure that—and I think others on the panel may know better than I whether what children see on the news have a different impact on their perception of violence than what they see in programming. I suspect that it has a more profound effect and that effect is one of horror or fear than the gratuitous violence that they see in the networks because that—than the broadcast or prime time hours because I think that violence covered by the news tends to have more of the characteristics that mark it as a negative behavior. That these are people who are suffering. They are in our neighborhood and it is close to home, whereas the frequency and inconsequential aspects of violence on prime time and the effectiveness and the rewards for heroes give that a positive endorsement.

Mr. OXLEY. You pointed out the evidence about the stabbings in the school, and I was struck by that because it really is a—it is a violent act to shoot somebody, but it is quite one thing to stand several feet away from somebody and shoot that person and it is quite another thing to take a knife and, by definition, have to get very, very close to that individual and actually stab that individual.

And I guess that—really, I guess that graphically points out how badly we are—what bad shape we are in in terms of that kind of violence. Because if indeed that violence on television begets the most ultimate physical violence that you can get is to actually take a knife and put it into somebody else is truly an indication that things are not well.

Mr. DIETZ. I think you are absolutely right. It is a horrifying act. The promise of the control of television is that it is one of the readily controllable factors in our environment. It doesn't take a lot of people to change network television, whereas it takes a huge and

equally important effort to change violence in the home or poverty or the drug problems which provide a fertile environment for that.

But television is produced by a smaller number of people, and the promise is that if those people can be convinced or compelled or acknowledge their responsibility to provide alternatives for children we might have a much different environment.

Mr. OXLEY. Thank you, Mr. Chairman.

Mr. MARKEY. The gentleman's time has expired.

The gentleman from Texas.

Mr. BRYANT. Thank you. Ms. Rakolta, your testimony and the anecdotes you just told represent my feelings about this matter perfectly, and I am just glad that you have come and testified, and I hope—I am glad to find your organization is out there. I hope you all have plenty of money to keep on going.

Ms. RAKOLTA. We are working on it.

Mr. BRYANT. Dr. Prothrow-Stith, your testimony about the way in which we deal with sex as opposed to how we deal with violence sparks some questions, which perhaps I should know the answer to already, but clearly for some reason they are not showing—well, they are showing more sex than I think they ought to, but they are not showing explicit sex on TV today, and there are some limitations on the kind of language the characters use on television now.

Would the law allow them to go ahead and show the X-rated movies on TV at prime time?

Ms. PROTHROW-STITH. I am sorry. I didn't hear your question.

Mr. BRYANT. Would they be permitted under the current law to show X-rated movies at prime time on television?

Ms. PROTHROW-STITH. I think the law requires some editing of those movies in terms of sexuality for prime time.

Mr. BRYANT. Well, why would it not be possible to apply the same standard, I wonder, to violence? Is there an obvious answer to that?

Ms. PROTHROW-STITH. That is exactly my question. I do think that different judgments are made within the current regulations, which have a lot to do with what risks you are willing to take. And I think people feel much vulnerable if they have children to the impact of issues of sexuality, perhaps, than they do to the impact of issues of violence and they are making some different kinds of judgments.

Mr. BRYANT. No, but I am speaking—

Ms. PROTHROW-STITH. In the same way that we treat suicide very differently than we do homicide. A lot of people were surprised to learn that we have about the same number of suicides in this country as we have homicides a year, and we don't see the news showing the man hanging from the rope in his garage or the dead body on the floor and the wife coming out of the house crying.

There is an insensitivity to the victim of violence and in large part I think that reflects a kind of other mentality.

Mr. BRYANT. I understand. But you are talking, really, about cultural traits here, I think. I am talking about the external restraints on the television networks. There are external restraints on them apparently that apply to sex and to language. Why are we talking here about a rating system or boxes on the TV? Why are we not talking about the same kind of external restraints on the television

executives regarding violence that we have put on them regarding sex and language? Is there an obvious answer to that?

Ms. PROTHROW-STITH. I guess I don't see it as an either/or but I do think that the obvious answer for me is that this seems a much more likely set of strategies to succeed than, perhaps, the other. I think we have become tolerant of violence in a way that makes us view it very differently from the others.

Mr. BRYANT. I am sorry. What is a likely strategy to succeed?

Ms. PROTHROW-STITH. The ratings, perhaps, represents a more likely strategy for handling this problem.

Mr. BRYANT. You mean likely to pass the Congress or do you mean likely to be successful once implemented, as opposed to just prohibitions?

Ms. PROTHROW-STITH. Both.

Mr. BRYANT. Well, I don't understand how you could—I mean I make a nice income and my wife, like Ms. Rakolta, works in the home. We have three kids, and I don't feel capable of handling this problem. We do a good job with our children, I think. But I know that we are unable to monitor what is on the television. It is just not possible.

Ms. PROTHROW-STITH. Right.

Mr. BRYANT. Most Americans, both the husband and the wife work outside the home, and so they have a far greater difficulty in doing it. And I don't know how in the world a rating system is going to help anything.

Ms. PROTHROW-STITH. Well, as I said, I think the ratings will do several things. First of all, it would make us aware that this is a problem. Right now we act like it is not a problem. In fact, out of the industry there is the notion of the catharsis theory. That not only is it not bad for children to watch violence, but it might even be good for them. And I think ratings make it very clear to parents that somebody is concerned about this for some very good reasons.

I also think that ratings would mean to advertisers that they would have to decide whether they want their product associated with that kind of rating, particularly in the minds of parents. I also think that just as a general help to parents and help to society it makes us more aware. We can no longer come under the illusion that it doesn't matter and that we are leaving it up to parents.

I don't think that it will solve the entire problem, but like the problem of cigarette smoking and most other public health problems there is not one strategy that is going to help us. With cigarette smoking, it took education in the classroom, working with parents, working with physicians, educating through the media, and I see this as one of a long list of strategies.

Mr. BRYANT. Well, I will just jump in and say I don't think that the average American parent out there think it is not a problem. I am just—I make a living by being among people, that is what we do in this business, and I hear the same comments made by Ms. Rakolta and that I have expressed here made all the time. And I am, frankly, very surprised that some demagogue along the way has not seized upon this to advocate successfully much greater restraints than I would view as acceptable from the standpoint of the First Amendment over the last 10 years.

The networks have been absolutely, totally irresponsible. They have invited the most extreme measures.

Ms. PROTHROW-STITH. I don't have any problems with the attempts to have them exercise more restraints. I do think, however, that most parents don't watch—when I talk to kids and I say, How many of you have seen this movie? they all raise their hand. When I talk to parents and I say, How many of you have seen this movie? very few raise their hand. Very few parents are actually watching the same television, and in some ways I think there is this sense that maybe it is a problem, maybe it is a problem for some kids, but it can't be as bad as that.

And I do think the entertainment industry using the First Amendment and other ways have done a remarkable job of confusing the issue and making it much more ambiguous situation than it is when you look at the research. In some ways I think there may have been even deliberate efforts to keep research from parents, and I have met a number of people in the industry who say, I'm not so sure it's bad but I just keep my children from watching it. That kind of hypocrisy, you know, we can't take.

I think what you are hearing is that there is not a lot of ambiguity. It is very clear, and somehow we have to communicate that.

Mr. MARKEY. Would the gentleman yield just briefly? If you could?

Each network has a standards and practices division right now. Now, it clearly is not populated by people who agree with the scientific evidence that we have here, because it is hard to believe, is it not, that all of these people are making these judgments wouldn't be deliberately trying to harm the children of America every single day of every single week of every single year, would they?

Ms. PROTHROW-STITH. Would they?

Mr. MARKEY. Would they? Yes?

Mr. HUESMANN. Well, I think you would find a lot of cases of people who won't let their own children watch what they are willing to approve to be broadcast.

Mr. MARKEY. So you think there is a very high hypocrisy coefficient that is at play here?

Mr. HUESMANN. Yes, I do. And I think a lot of it has to do with money.

Mr. BRYANT. I will agree to narcissism in with the hypocrisy, I think.

Mr. MARKEY. So you think these standards and practices people, if they actually believed this, would either have to say no on a daily basis or just quit their jobs. So clearly the people who have been hired to do this work for the networks do not share in any manner, shape, or form the views of this panel or parents across the United States. So it is an unrepresentative cross-section of America which is making these decisions every single day if the results can be seen on the screens of the country.

The gentleman's time has expired.

The gentleman from Kansas.

Mr. SLATTERY. Thank you, Mr. Chairman. Again, I want to compliment you, Mr. Chairman, for calling this hearing. I want to also say to all the experts at the panel, and, Ms. Rakolta, I consider you

an expert also, because you are an expert in terms of what is happening out there in the living rooms all over America, and I found your testimony particularly compelling. In fact, the situation that you described is really nothing short of an outrage, and I think that everybody in this country should just be furious at what is going on.

And I agree with those who have observed that really what we are talking about is money, money, money. We all know that sex and violence sells, and it is easy to sell sex and violence, and that is what we are being sold.

Dr. Prothrow-Stith, I thought that you just hit the nail right on the head. When we are so absurd almost in our reaction to juvenile violence and teen pregnancy, when we sort of wring our hands and say, Why in the world is this happening around us so much, and why is the incidence of it increasing so dramatically? We don't have to look any further than our televisions.

And understand again how powerful that medium is in shaping people's values, shaping their attitudes about life, defining what is important in their lives, defining their social acceptability—all of those things, regrettably, are today obtained by our young people from television, and it creates an enormous responsibility on the part of network executives, broadcasters, the entertainment industry in general.

And I have to say that as a parent of two sons, 11 and 14, I have concluded that as I sit here today they have miserably failed in really providing the kind of wholesome entertainment that the young people, especially in that age range desperately need as they struggle with all the uncertainties that life puts before them today.

You know, I have concluded that tough measures by the Congress are going to be required to really force the entertainment industry and the broadcasters and the networks to really correct this, and the reason is cash. If we, in effect, say that we don't have standards that are defined somehow there is going to be always a bad actor out there that will make a lot of money doing the easy, rotten, irresponsible thing, and that is selling sex and violence to our kids.

We are going to have to find a way to put all these people on the same level playing field and challenge them to do a much better job in developing the kind of entertainment that our young people need and our young people deserve, and that the entertainment industry and that the broadcasters and network executives have a responsibility to provide, as custodians of this public trust called the airwaves.

So I really appreciate you all being here today. And, you know, from my perspective at this time I think we are going to have to move towards some kind of a rating system for television. We are going to have to figure out some kind of a way to have a symbol on the television that parents can walk into the room and see the V or whatever it may be that says this is violence or this is adult sex or whatever that is going to be on television, and require, perhaps, that to be displayed on the screen at all times so that you don't, when you step into the room for 10 seconds you can see what your kids are watching, instead of having to sit down for 30 minutes and watch something.

And I think we need to look harder at this whole question of some kind of standards that we would require the networks to live with and require everybody that is broadcasting out there to live with. Of course, the problem we get into is how do we deal with the broadcasters and the cable people all on the same level playing field, too, and that is tricky as it really enters the living room.

So thank you all again. I really appreciate your testimony today.

Mr. MARKEY. The gentleman's time has expired.

The gentlelady from Pennsylvania.

Ms. MARGOLIES-MEZVINSKY. I agree with what a lot of the panel members have said. That we will be seeing some change. I am not so sure what the direction of that change will be, but I hope you can count on us for being leaders along those roads.

Ms. Rakolta, you had success, some relative success with local programming, I take it. What I would like to know is, if you have had success with some of your local television programming, how important is it for us to look towards local activism to bring the changes in communities?

Ms. RAKOLTA. I really believe that this is where it is going to happen is from grassroots America that we are going to get any action. Because we have talked and talked, in fact, I think at this point in time we have a window of opportunity to have change with this new administration. Hilary Clinton said that she would approve of controls on television. She just said it in a "Parade" magazine article.

It is really—you know, we can complain to local advertisers and many of them will drop off a program, but there is always someone there to pick up the slack, that will buy distress material, you know. So it is a continual problem. And your big national guys, your beer distributors and people like this, or your beer people, they really don't pay attention to activist groups. They buy the material that appeals to the beer-drinking male, 18 to 34 years old.

And I guess that is why we are here today, or I am here, is that it is not the bad effect of working through the advertisers because there are just too many of them, you know, and they are afraid that they are going to miss the boat if they are not on a certain program, and they are really more interested in demographics, if the network can produce their numbers. There is really no accountability in the whole industry. This is the problem.

The only people that the network presidents are accountable to are their shareholders, and it is all about money. To produce—in fact, it was just in the electronic media yesterday. To produce a tabloid, a new reality-based show, it only costs between \$125,000 to \$300,000 tops. To do drama, it costs \$1 million. To do a sitcom, it costs \$800,000. You are talking an average show of \$125,000 to produce. The profit margins are huge.

In 1989, there were only five tabloid shows. Last year, there were 24. They said fiction is pushing out—oh, no—reality is pushing out fiction.

Ms. MARGOLIES-MEZVINSKY. Let me ask you—we all have this kind of thing about censorship. I mean there has been a feeling today in this room that we are basically against it, and yet there is some censorship. There are some restrictions on other aspects of broadcasting.

What is it? Why are we against censorship? Do you think that it restricts the creative process? What are your best arguments, frankly, against First Amendment rights? Give us some definitions to work with.

Ms. RAKOLTA. Well, I think the best argument would be that this is a public interest issue and that the Supreme Court has never accepted the absolutist view that there shouldn't be marginal restraints on the First Amendment; i.e., yelling "Fire" in a crowded theater; you can't make obscene phone calls; you can't make threatening phone calls; you can't perjure yourself; you can't libel yourself; you can't incite violence against the government; you can't advocate Federal strikes—these are public interest issues, and this is a public interest problem.

You know this is not only a creative product coming out of Hollywood. It is a commercial product. They have the formula—sex and violence sells. You know, it panders to the darker side of human nature.

If my kids are going through—you know, surfing through the channels, that is what they say today, and they see "The Waltons" or they see a slice and dice movie, they are going to stop at the high impact image. I mean it is just human nature.

Ms. MARGOLIES-MEZVINSKY. Dr. Centerwall?

Mr. CENTERWALL. I have advocated the establishment of a violence rating system. My feeling is that a violence rating system which some might think of as censorship or having a chilling effect upon artistic creativity need have no such effect at all, because in fact inevitably certain producers would aim for the high numbers in order to advertise their product and to appeal to a certain audience that likes to watch violence, and that would be their prerogative.

The point is that would be informational and it would permit parents, caretakers of children and the like to decide what they want their children to be watching or not watching.

Ms. MARGOLIES-MEZVINSKY. Do you think it would really change the ratings?

Mr. CENTERWALL. Excuse me?

Ms. MARGOLIES-MEZVINSKY. Do you think it would have an effect on the ratings?

Mr. CENTERWALL. Ratings?

Ms. MARGOLIES-MEZVINSKY. Ratings.

Mr. CENTERWALL. I am saying that some producers could aim for high violence and use the rating as a means of advertising—

Ms. MARGOLIES-MEZVINSKY. No. I am saying, well, do you think it would have an effect on the television ratings? That enough parents would be responsible enough so that they would move to channels where there is less violence, affecting the ratings—not the rating, the ratings—enough so that it would make a difference.

Mr. CENTERWALL. Yes, it would, in that there would become a split where certain programs would be aiming for low violence, which is what parents would be looking for, and others would be aiming for high violence.

Ms. MARGOLIES-MEZVINSKY. Dr. Prothrow-Stith?

Ms. PROTHROW-STITH. I think it is quite easy to raise First Amendment issues without looking at the ways that we use censor-

ship or judgment currently. And again, I think the issue of sexuality raises ways that creative people have been able to operate, in our regulated environment make movies, but we have also been able to protect children to some extent from those movies.

And I think some combination of ratings and better judgment on the part of those in the capacity to produce this kind of entertainment is exactly what will help us get to the point where parents are making better decisions because they are better informed, where children may not have such a big appetite for violence anymore because that is not all that they have seen since they were babies, and the creative talent has become energized to glamorize nonviolence.

If you look at the truth about violence it is usually not very successful. It is very painful. It costs a lot in the way of consequences and money. And somehow we have made that the superhero's response to problems. I think if we unleash that creative talent on glamorizing nonviolence, which tends to be a lot more productive and a lot more exciting in terms of just the kind of story line you can create around it, we would have much better television and movies for children.

So I see all of these as pieces of kind of the way to get there from here.

Ms. MARGOLIES-MEZVINSKY. Could you just give me the adjectives again that you used with regard to violence? It is funny?

Ms. PROTHROW-STITH. It is funny. It is entertaining. It is successful. It is the first choice. It is rewarded. It is painless. It is guiltless. And we leave our children with this dilemma: either you do nothing and you are the chicken wimp, or you are the superhero and you beat him up, and we don't show all of the really powerful, productive things you can do in between.

Ms. MARGOLIES-MEZVINSKY. Let me ask you—what conversation should we have with our children before these regulations, if there are going to be regulations, come into effect? What conversation—help us out. What conversation can we have with our children to make sure that they know? I mean, I say to my kids, This is just junk. This is not good. These are not good things for you to watch. Their response to me is, Mom, we know it is television. We know that this is only television. And I hope that is true with my children.

But, as I said earlier, I don't want them to have lost out on today's conversation. I want them to be up-to-date with the characters on television, although I restrict them. But what conversation can we have with our children with regard to this violence?

If you could all kind of—yes?

Ms. SIGNORIELLI. Well, I have an 8-year-old and a 10-year-old, so I am very much aware of this and their television viewing is severely limited. However, when we do watch television, or when they watch television they will come and talk, and we will talk about what are the consequences, if they see a car accident on television, and I will say to them, What would happen in real life if you were involved with that? Just yesterday I was in the car with my son and he was talking about, "Well, what is the problem about watching a violence cartoon? And I said, "Well, one of the things that you learn from watching cartoons is that every problem is

solved with violence. Problems are solved with violence. And he looked at me as if to say, I understand, you know, what is going on. That things are solved by using violence rather than finding other alternatives.

And I think you have to keep talking to them. You can't not continue to talk with them.

I wanted to make one other point. I think if you look at the shows that are most highly rated they are—a lot of them are sitcoms. A lot of the violent programs are not the most highly rated programs. So that is, you know, just another piece of factual information.

Ms. MARGOLIES-MEZVINSKY. Dr. Huesmann?

Mr. HUESMANN. In saying you don't want your children to lose out on the common ground to talk, I think you have actually pinpointed one of the problems that television creates. Television is one of the creators of our cultural norms, and a view among many psychologists is one of the grave problems in the inner city among youth is a set of subcultural norms has emerged which reinforces the use of violence. If you are disrespected, you use violence. Nobody is going to "dis" me. And these kinds of things get reinforced through various shows on television and through the discussion of the consequences of those shows among the youths.

So this is all part of one package of cultural norms that is emerging, and somehow we have to intervene in the television part of that and reduce that because it is just creating these very unfortunate atmospheres that promotes violence.

Ms. MARGOLIES-MEZVINSKY. Through censorship?

Mr. HUESMANN. Well, I would not be a person who would want to advocate censorship per se, but I think something needs to be done. And to tell you the truth, I am skeptical about rating systems. I would have to say, and I would hope the subcommittee members would look very carefully at the motion picture, which I don't think has been that great. The producers play with the ratings. They cut. They cut. They cut. If you want to hear about how "Basic Instinct's" rating was arrived at through about a hundred different cuts, getting down to milliseconds, to get from an X to an R. But, of course, if it had been a PG, they would have been adding things to get it back up to an R because that would have sold better.

So I think you need to think very carefully about a rating system.

Ms. PROTHROW-STITH. I was recently talking with my children about two movies. One is called "Boyz N the Hood" and the other is called "New Jack City." Both of them are depictions of sort of urban African American life, and it is very interesting that in "Boyz N the Hood," while there is violence, the violence is painful, it doesn't solve problems, and the consequences of the violence are clearly illustrated. Also, ways to avoid the violence are also illustrated. In "New Jack City" violence is used to solve the drug problem in the community. Now it happens to be used by members of the community who become superheroes to solve the problem. And in the discussion my children had trouble thinking of any other way to solve the drug problem in the community, so they were say-

ing, Look. You might not like the violence but that is the way you solve the drug problem in your community.

And, as we talked about it, I realized that part of the problem is not just that we glamourize violence, but we don't show alternative ways to solve problems. So even if our kids know that it is fantasy and it is just television, they are lost at how to begin to deal with the problems around them. And even when we talked, my kids knew of successful community efforts around us that had begun to address the drug problem including some of the street-walking that the Muslims have done, and the taking over of community buildings, and tenants organizing kind of projects. But those aren't glamorized. People don't even think that is real. They think the violence is real and the rest of this is fantasy stuff because only wimps do that and wimps are never successful.

So we have got a serious problem in teaching children alternatives to violence. So one of the things I tell my children is that it is junk. It is not real. When people get shot that it hurt. But the other thing I try to do is think about the alternatives and how could that problem have been solved without violence.

Ms. MARGOLIES-MEZVINSKY. Thank you very much.

Mr. MARKEY. The gentlelady's time has expired.

I am just going to ask a couple more questions, and then at the conclusion of the hearing I am going to ask each one of you to give us your one minute summary of what it is that you want us to retain as we move forward here in the subcommittee looking at this issue of violence on television and what solutions we should adopt.

Let me throw this final idea by you and ask that you comment upon it, and that is the question of a violence rating system, voluntarily adopted by the television industry. I will list the benefits that I think could flow from it, then I would be very much appreciative of any comments that the panel might have.

It seems to me that if we had a voluntary rating system adopted, and adopted very soon by all of the broadcasters, it would empower parents who, in combination with new blocking technologies, could block out shows rated V for violence. These people ought to knock it out completely, out of their set. This technology is moving so quickly we could even mandate it here and then give parents this ability in their hands with the adequate software just to block it out of their sets. A new market for something that I think would take off very quickly.

It seems to me that enough parents would use this to begin to give many programmers a sense that there might be an audience for nonviolent programming, that there are going to be many people now sanctifying, as Dr. Prothrow-Stith said with regard to the non-smoking campaign, this new ethic beginning to become much more of a part of the public consciousness. And it seems to me as well that with the shrinking audiences that would accompany the V block on millions of television sets being used every single day, that advertisers might begin to have a greater sense of conscience about the subject, or at least practicality; that they might not want to be identified with this type of programming which, like Hester Prynne, now has a mark on it every single day. It may not be where they want their product to be advertised each day. That in and of itself begins a much more realistic dialogue that goes on be-

tween programmers, broadcasters, and advertisers about what might make some sense in terms of what advertisers might want to see next season on the air in terms of how their product is V'd out by that remote control system.

That is, by the way, idiot proof. That anyone would be able to figure out how to use it. Just push that V block button on your program each day and lock it in, and make sure that your young children cannot unlock it in the course of the day. You know, not by trying to figure out how to get the 12 off of your VCR each day. Something very much more simple than that. Very much more simple than that.

Could you comment on that kind of a possible approach and what effects you think that might have?

Dr. Huesmann?

Mr. HUESMANN. It could be valuable. I have some skepticism, as I said before, based on the motion picture experience. I think some things would be important.

First, I think it will be important the violence rating be independent of a sex rating. If the two get mixed together it gets much too confused. You really need an independent rating for violence.

Second, I think the kind of technology you are talking about has to be widely distributed and made very easy to use, possibly made to work in such a way that you have to take a positive action to see the V instead of taking a positive action not to see the V.

And thirdly, I think that it is important that these rating categories be carefully considered and not too many of them derived. I mean what has happened in the motion pictures is by having more ratings you avoid being marked with the scarlet letter by going down just a little bit, but you can still have a lot of what you might not want to have. So you don't want to have too many categories.

Mr. MARKEY. Dr. Signorielli?

Ms. SIGNORIELLI. I certainly would agree with Dr. Huesmann about sex and violence really need to be separated in this.

About a blocking mechanism, I have one concern about this. If you are talking about something that will be made available in all new sets manufactured after this time, we are assuming that people have the financial wherewithal to go out and buy a new set immediately, and that is not necessarily the case. So you need to think about how to make something available, economically available to parents, and I certainly would agree with one's assessment that to have something to do positive, rather than negative.

Mr. MARKEY. Dr. Centerwall?

Mr. CENTERWALL. In follow-up to that, the principle behind the closed-captioning device and television sets is not that it will become immediately available to everybody, but the whole idea is that television sets have a turnover of about 10 years and that over the course of 10 years even poor people will eventually have closed-captioning devices to them, just by using net market forces on your side. And, if you have these blocking devices, likewise. You are having the market forces on your side, that they will penetrate fully into the market in 10 years.

As for the rating system, many parents have simply abdicated at this point having any control over what their children watch or

how much, and I have even had parents approach me and ask me on what basis do I limit my children's watching of television. And I say to them, "On the basis that you are the parent."

Now, a violence rating system, a V-block system, I think, is a very good idea. Like seatbelts, I don't think it will ever be glamorous, and it is something that is a public health issue. Until seatbelts became a mandatory part of every car and that there was public education on the value of seatbelts people didn't wear seatbelts. Many still don't. But the point is many, many more now do.

Same thing with blocking systems or violence rating systems; namely, that these need to be accompanied by an active public health promotional process, and then I think they will work very well.

Mr. MARKEY. I personally agree with what you are saying. You know, we have had big debates in this committee over the years over mandatory airbags for automobiles; the automotive industry said that we would send it to hell, you know, in a hand cart if we mandated this additional burden. But now you have Lee Iacocca saying, Chrysler is the only car with airbags on the passenger side, and there is some big virtue now that they are advertising. And they are so much concerned with public safety that you should buy their cars because of the public safety.

The electronics industry of America is now advertising that it was their idea to put in the decoder chip for the deaf and hard of hearing. This is their big public interest campaign now to help this minority community of 24 million Americans who have been disenfranchised from the technological revolution, and this is their big promotion now about how concerned they are about that particular audience.

Similarly, I think in smoking, you know, you have got that same reaction. The history on that is, I think, going to be a lot like this. Back about 6 or 7 years ago, Mr. Durbin of Illinois brought an amendment out on the floor at about 8:00 at night, No smoking on plane flights of a duration of 2 hours or less. Mr. Waxman spoke to support him, I did, Mr. Sikorski, and I think that was it. Every single chairman of every committee with any relevance to tobacco in Congress got up for the next hour and pounded it. But 193-192, no smoking on flights of 2 hours or less.

And that was the beginning of the end. Because once you had established the precedent, every other sector of the community became emboldened that they too might be able to keep it out of public buildings, out of schools, and you wind up with these poor souls standing out in 5 degree weather smoking cigarettes. It is a pathetic sight, but an enjoyable one for most of us who have had to endure the smoke blown in our faces for our entire lives.

I think that we might begin to see some developments here along those lines in each of those instances where as they say "Hypocrisy is the tribute that vice pays to virtue," and they have always said they are so much concerned about this subject, but I think we now might begin to see some real action.

Any others who want to comment upon this voluntary system of companies with a technological block? Yes, Dr. Dietz?

Mr. DIETZ. I think it clearly is an innovative and interesting approach. I would just like to bring up one other example of the rat-

ing system, which I am not sure has been very effective, and that is the music lyric rating system.

The other problems that I think are foreseeable, and I fully agree with the notion that it will empower parents and the more we can do in that respect the more we ought to do. But the question is going to become who is going to provide the ratings, and who decides how much is too much. And if the decision is not what we would want it to be, how will it be enforced? And you are right back into the First Amendment issue, I think. I think somebody has to supply the ratings, and as long as it is going to be—if it is industry, you don't have a First Amendment issue but you have a lack of compliance. If it is not industry, it becomes a First Amendment issue.

And I still can't get very far away from the notion that really what we should be about is providing parents with alternatives. I mean, if you said to this hearing of broadcasters, Here is your choice. Either improve television or you provide an hour of educational/instructional programming for children, they are going to make—either way children win.

Mr. MARKEY. I understand. But there again you have a First Amendment issue. You have invoked it again—either you do this or else. So I guess my feeling is that we don't have to reinvent the wheel here. The Motion Picture Association of America already does this. There is already a methodology which has been put in place to give ratings to programs, and they use parents. They use family members to do this.

So it is not as though we are venturing out into some terra incognita and we may be invoking all kinds of First Amendment violations. In fact, done on a voluntary basis as it is now done by the Motion Picture Association, extending it over to broadcasters accompanied by a technological fix is something that would clearly be able to pass constitutional muster.

Mr. DIETZ. But cartoons are not considered violent, and cartoons are the fare that most children watch. It was mentioned earlier that "Aladdin" was a nonviolent movie. That is a PG.

I had a parent yesterday tell me how horrified they were at the effect that it had on their children. That there was episode after episode of violence that we put in a different category. But since a cartoon is what children watch, and cartoons have 20 to 30 violent episodes per hour, that rating system isn't going to allow parents to control that.

Mr. MARKEY. We don't think there is kind of a one-size-fits-all solution necessarily, you know? You are going to have preschoolers. You are going to have 8-year-olds. You are going to have 12-year-olds. You know, there isn't going to be a particular rating that necessarily deals with the problems of each one of the children in a family at all ages. You might have to differentiate.

The parents need the information, however, and there is nothing that makes it impossible for us to mandate more children's programming, on the one hand, that is truly educational and informational and at the same time have a rating system. It is not a choice. We don't have to elect one route or the other. We can go both routes simultaneously.

If we believe that we need more positive, that is fine, even as we are taking out, you know, the negative. Or giving them financial incentives, let us say, to take out the negative because parents are just V-blocking it right out of the house. They will soon get that message from the advertisers.

Dr. Prothrow-Stith?

Ms. PROTHROW-STITH. I would only add that I think that ratings are an important first step in acknowledging that not only do movies have an impact on children, music has an impact on children, but television does as well. And I don't think it is common knowledge yet that watching television violence is bad for children, and I think this is an important way to say to parents it is bad, we want you to know which programs show this violence, and we are going to help you with the technology to keep your children from watching it.

Mr. MARKEY. You know, my father smoked two packs of Camels everyday since he was age 15, and there was no way that my brothers and I could convince him that he should not smoke. But the 1980s have been wonderful for us because it is hard for him to deny it now. And it is sad to see an 80-year-old man down in the basement smoking cigarettes in his own house, but nonetheless he cannot deny it any longer, you know. And I think that what we are doing here is beginning to build the case that gives the ammunition to all of the people who want to begin to be more forceful to come back from the other direction. I think that the empowerment, the validation of that perspective is, really, what we are all about this year, and I think that we will be very successful before the end of this year in giving the tools to all of you to go out there and to continue the battle in the trenches.

Ms. Rakolta?

Ms. RAKOLTA. The rating system would be encouraging. My one fear is—what the music industry said, if they had to label their CDs was that it would encourage kids to buy it more, putting these labels on. I don't think you will hear that from the network at this point in time, during the ratings.

But, you know, cigarettes—weren't they banned from the airwaves? I mean was that a congressional action? They were banned from the public airwaves. And also hard liquor, right?

Mr. MARKEY. Those were FCC decisions. Yes.

Ms. RAKOLTA. And if a nexus is proven, that violence, televised violence is creating violence in children, this is a public interest issue, so I don't think it would be too much of a stretch to say that maybe during certain hours when your primary audience is children that the hard, random, psychotic violence shouldn't be legislated against, and that is what we are asking for, is legislation to reduce violence. Not the type of violence that is germane and contextual to a story or relevant, but the random, hard, gratuitous violence only during children's viewing. But the more adult, adventuresome material can come on later in the evening.

I think after everything is said and done this is where we will wind up.

Mr. MARKEY. On the other hand, just so you will understand, advertising has less First Amendment protections than programming does, so it is not exactly placed in the first category. And tradition-

ally, the courts have been more open-minded in terms of restrictions on advertising than they have been upon the content of a program itself. So there is a distinction that is significant legally in terms of how it has been interpreted over the last couple of decades.

Do any of the rest of you wish to make any comments on this one subject?

[No response.]

Mr. MARKEY. Let me then ask each of you to give us your summation in terms of what it is that you want us to retain as we move forward on this issue in the course of the year. And we will begin, if we could, and go right down the panel. We will begin with you, Dr. Prothrow-Stith, and each of you in turn will be recognized for one minute.

Ms. PROTHROW-STITH. I would just close by saying violence is an important public health problem and that we need a variety of strategies to reduce violence in America. Changing our entertainment industry is one important aspect of what we need to do, and I think looking at ratings for television is one small way to begin to address that problem. That we have to do lots of other things, but this is an important, very important way to get started on this problem.

Mr. MARKEY. Dr. Dietz?

Mr. DIETZ. I wanted to thank you again for your efforts on behalf of children, and particularly the Children's Television Act of 1990, which I think is a marvelous advance on their behalf.

The Academy's perspective is that parents need control and alternatives, and the technology, I think, offers control, but the need for alternatives remains. That there are too few choices available for responsible parents, and even with the ratings system that problem will remain.

The other area that we haven't addressed very much is the role that writers play in this activity. We talked a lot about what broadcasters do and what the network executives do, but I think that the experience in Japan and the experience that Ms. Stutman raised is that those alternatives, alternative conclusions can exist and can be just as dramatic as those which we currently have.

So thank you again, Mr. Chairman. It was a pleasure to be here.

Mr. MARKEY. Thank you. Ms. Rakolta?

Ms. RAKOLTA. I would again like to thank you for having me here today to sort of represent the parent side of the story. I think when we talk about censorship what we have right now on network is de facto censorship. That content is being regulated by profit margins. If we could encourage the networks, again by their profit margins, to self-regulate that would be the best care scenario. I would hope that you will consider going farther if they decide that your opinion isn't really of great importance.

Thank you very much.

Mr. MARKEY. Dr. Huesmann?

Mr. HUESMANN. I first testified before a congressional committee over 21 years ago before Senator Pastore's committee, and quite honestly as a scientist I believe the evidence was just as compelling then as now that media violence causes aggression. What I am impressed with now is the extent to which this subcommittee is

knowledgeable about the issue and determined to do something about it.

I would urge that in doing that you would tend to the psychological evidence about what the problems are, how changes in attitudes and beliefs and normative views about violence in the country can have just as great an effect as imitating specific acts of violence.

Thank you very much.

Mr. MARKEY. Thank you, Dr. Huesmann. I just want to note to you that we went back and looked at the 1981 hearing, and the Chief of Behavioral Medicine at the National Institute of Mental Health was testifying here. And I might tell you that I am now married to the Chief of Behavioral Medicine at the National Institute of Mental Health, so I get a daily lecture on the relationship between behavior and other elements in the environment.

Dr. Signorielli?

Ms. SIGNORIELLI. Again, thank you very much for having me here. I am very heartened to see these hearings continuing, and hope that there will be some successful measures.

Again, we cannot continue to ignore violence on television. We need standards that have teeth with them. We need particularly a focus upon education and media literacy for all parents and children, and for everyone.

Thank you.

Mr. MARKEY. And Dr. Centerwall?

Mr. CENTERWALL. The one central issue is that the effect of television on children is not simply a matter of aesthetics and taste, but also a matter in a very major way of life and death, and that even if you as a parent are convinced that your child can watch a steady diet of mayhem and will not grow up to become a murderer who goes out and kills people, you are in no way guaranteed that someone else's child raised on a diet of mayhem won't kill your child.

The V-block and rating system, I think, is a superb idea. I think it would be very useful. And the general issue of the effects of television upon children and upon their later behavior as adults is squarely a public health issue and should be addressed in those terms, in addition to being a regulatory issue.

Mr. MARKEY. Thank you, Doctor. And we thank each of you. It has been a wonderful panel. You can see the enormous attention that the subcommittee is willing to pay to this issue, and I think that all who are out there observing this should understand that unless there are significant changes which are made that this committee is prepared to act.

We thank each of you very, very much.

[Whereupon, at 12:18 p.m., the subcommittee was adjourned, to reconvene at the call of the Chair.]

[The following statement was received:]

The Testimony of**SUSAN LAMSON****DIRECTOR OF FEDERAL AFFAIRS,****NATIONAL RIFLE ASSOCIATION INSTITUTE FOR LEGISLATIVE ACTION**

On behalf of 3.1 million members of the National Rifle Association of America, I extend to the committee my appreciation for this opportunity to express the views of law-abiding firearm owners on the topic of television violence and its impact on America and her youth.

The primary mission of the NRA is the promotion of the responsible use of firearms and the protection of the Second Amendment rights of all Americans. We are equally committed to the entire Bill of Rights, believing strongly that an effective democracy requires strong protection for the responsible exercise of personal freedoms. The key to resolving the effects of television violence is responsibility. Parents, teachers, community leaders, and others tasked with providing moral guidance to our youth, must take a more active role in shielding young people from depictions, and actual graphic pictures, of gratuitous violence.

To the extent that this committee is able to focus attention on the nature and impact of TV violence, it will have served a useful function. If nothing else, it would refocus attention on the idea that television is a guest – not a member of the family. To the extent that television shares and reflects the values that parents are attempting to instill in young people it should be allowed to visit. When it does not, it should be shown the door.

As society has grown complacent about shielding young people from violence and graphic sex as portrayed on television, in movies, and in the music of the day, young people clearly show evidence of having become immune to its consequences.

Far too many parents have forgotten that their children have no "right" to watch television. The channel changer is an amazing screening device when properly used. And, more to the point, parents can have a tremendous effect on programming by writing stations and advertisers lodging their objections to anti-social behaviors depicted daily on our television screens.

As the most open and free society in the world, we must care for individual adherence to a code of self discipline, self-decency, respect for the rights of others, and responsibility for the consequences of our behavior, to maintain the collective order. Our nation has traditionally relied on the family, religious institutions, and our schools to instill in young people the moral and spiritual values which enable our freedoms to be understood, fully exercised, and enjoyed. Yet clearly, when these traditional mechanisms are unable to perform this role, the structure breaks down, and with it the guidelines governing moral behavior.

There is no conceivable way that government can step in and replace the role of the family; it can't be done. And quite frankly, without the family, the schools don't have a fighting chance. Therefore, in the long term, resolving the underlying problems which have led us to this juncture is absolutely essential to our survival as a nation. Why this occurs and how it can be prevented goes to the heart of the issue which is before this committee.

The relationship between electronic mayhem and street violence is not lost on cities caught in the crossfire of youth violence. According to Washington, D.C.'s

Homicide Report 1992, "[T]he majority [of inner-city teenagers] mentioned rap groups as their favorites with about half mention[ing] rap artists whose songs are commonly distinguished for their violent and antisocial messages.... [Violence in entertainment media] creates fantasies of power and control for many who find themselves living in a grim reality where helplessness prevails. Consequently, such persons may be prone to act out their violent fantasies when frustrated, angry, or under the influence."

Nor is the relationship between violence on the screen and violence on the street lost on social scientists, either. A study by Northeastern University found that the number of 17-year olds arrested for murder climbed 121 percent from 1985 through 1991. 16-year-olds: 157 percent. 15-year-olds: 217 percent. Because the younger, more violent prone segment of society was decreasing as a percentage of population, experts had actually predicted a decline in homicide – what they termed a "demographic dividend." It didn't happen.

Nowhere in the USA can a teenager legally purchase a handgun from a commercial dealer. Yet, in perhaps the most chilling indictment of "gun control" and its inability to impact gun use in crime, overall homicide rate has climbed 24 percent since 1985, because kids, not grown-ups, are killing more.

Last year, Professors Joseph Sheley, Zina McGee and James Wright published "Gun-Related Violence In and Around Inner-City Schools" – the results of a cross-sectional survey of ten inner-city high schools in several states. Noting that "nearly everything that leads to gun-related violence among youths is already against the law,"

the researchers' prescription was neither more gun restrictions nor shake-downs of students, but "a concerted effort to rebuild the social structure of inner cities."

Sheley, McGee and Wright found that violence in our schools does not spring from the classroom floor: "Rather, violence spills into the schools from the world outside.... Structurally, we are experiencing the development of an inner-city underclass unlike any in our past. In a shrinking industrial economy, we are witnessing the disintegration of the traditional family, increasing poverty and homelessness, diminishing health, and deteriorating educational institutions."

In a related work, Wright and Sheley echo the theme of a crumbling social structure that leads our nation's youth to violence: "Isolation, hopelessness, and fatalism, coupled with the steady deterioration of stabilizing social institutions in the inner city ... have fostered an environment where 'success' implies predation and survival depends on one's ability to defend against it."

In recent years, television has played both villain and hero. As a stabilizing social institution, reinforcing social mores, influencing and often inspiring youth to achievement, television is virtually without parallel, particularly if universality of access is the primary determinant criterion. Television is a companion to the elderly, a babysitter to the young, and a source of entertainment and education to all.

In the role of advocate, television has had a pivotal role in shaping youth behavior – from "stop smoking" to "say no to drugs". Even apart from these efforts – at the very least, television did not undermine efforts by society at large to encourage youth to stop

ingesting harmful substances.

In relationship to the issue of violence on the screen, whether real or depicted, the scenario is less sanguine. Today, young people -- even children at the youngest, most impressionable age -- ingest overdoses of gratuitous violence, in many cases coupled with irresponsible use of firearms, a marked lack of respect for the sanctity of life, or any emphasis on the moral consequences of their actions, on television screens.

With the proliferation of cable television channels and the need to fill large blocks of programming time, the problem has grown almost exponentially. Moreover, the accessibility of even relatively sophisticated adult themes frequently incorporated into modern film fare, is no longer confined to "prime time". In fact, even excluding graphic "trailers" or commercials for upcoming programs of a violent nature, it is hardly an exaggeration to say that a portrayal of a violent act is occurring on television at nearly every hour of the day on at least one channel. If one includes the ubiquitous 24-hour news programs, repeated acts of graphic violence are available on a "on the hour" basis. To suggest that this does not have an inuring effect is to make the argument for the validity of a program such as Sesame Street in reverse. We know that showing children repeated sequences of counting, colors, or alphabetic exercises is a way of educating without teaching. To think that repeated exposure to senseless violence, or worse, those mediums which portray violence in a sensual or fulfilling manner, are not having commensurate effects is disingenuous at best.

Arguably, the sheer preponderance and intensity of violent, antisocial TV

programming has made the medium a potentially destabilizing institution, undermining social mores and devaluing human life. If it inspires youth at all, television is, to borrow a phrase from Shelley and Wright, often inspiring youth to equate criminal predation with success.

When television subjects youth to thousands of hours of terrorism, brutality and violence, the result is more than a mere tendency among young people to act out in violent ways. Antisocial TV programming unleashed in a culture of isolation, hopelessness and fatalism fosters a subculture of violence in which values are upended and brute force rules. We are witnessing Lord of the Flies, circa 1993.

As University of Washington epidemiologist Brandon Centerwall, Ph.D. noted, this industry is responsible for an endless parade of gratuitous violence and irresponsible use of firearms which exposes American youth to 200,000 acts of violence, including 40,000 murders, on television alone. Centerwall has demonstrated "a positive relationship between exposure (to television violence) and physical aggression." Based on his research, Centerwall notes in Public Interest that, "if, hypothetically, television technology had never been developed, there would be 10,000 fewer homicides each year in the United States, 70,000 fewer rapes and 700,000 fewer injurious assaults. Violent crime would be half what it is."

The NRA is interested in this issue for a number of reasons, not the least of which are the consequences for law-abiding firearm owners. Repeatedly and consistently, television "entertainment" typecasts the firearm owner as the criminal and the gun as his

or her tool. And while "the right to defend oneself against deadly attack is fundamental" (U.S. v. Panter), firearms are seldom if ever portrayed as useful to citizens in lawful self-defense. Firearms are not shown as useful in recreational or competitive events, hunting or collecting. This steady diet of stereotypes coupled with gratuitous criminal violence provokes a widespread bigotry against law-abiding firearm owners and fuels the drive for restrictions that impact the law-abiding.

The hypocrisy of the communications industry is all too apparent to law-abiding firearm owners. For instance, Time Warner defended its marketing of the song "Cop Killer" by saying that "freedom of thought and expression [should be given] the widest possible latitude, however controversial or exasperating." Ironically, Time magazine routinely denies advertising space to NRA because our advertisements are deemed to deal with inappropriate themes.

In suggesting a solution to this problem, we believe that first and foremost it is important to focus on the very real notion that crime victimization is not a single episode, or scene, as television violence too often suggests. Rather, it is suffering that is at once sustained, intense and widespread. Producers and directors should have the intellectual honesty to tell the whole truth.

By airing antisocial programming, local affiliates contribute to the continued suffering of crime victims and, as Professor Centerwall has concluded, the victimization of others.

To avoid conflict with the U.S. Constitution, the lion's share of the burden of

resolving this issue has to be in the form of voluntary restraints and self-censorship by media executives and responsible parents alike. This is not to minimize the pivotal role that media executives and programmers can have in regard to limiting unintentional exposure to inappropriate, or clearly gratuitous and excessively violent or prurient themes. Simply put, the media is everywhere, parents are not. Limiting audience exposure to inappropriate themes by voluntary restraints on programming in regard to content, broadcast time, and air date could have a tremendous impact. While it is a violation of free speech to prohibit the showing of "Basic Instinct" or "Terminator II" in any forum, it is a violation of common sense not to realize that Saturday morning at 10:00 or Friday evening at 8:00 very likely reaches a potentially inappropriate audience.

A recent survey by Lawrence Research of Santa Ana, California found that more than 70% of all Americans favored a rating system established for television entertainment programs similar to the one used for movies. In fact, respondents favored repeating the rating category after each commercial break to inform audiences as to how much violence the program contains. Other guidelines could be developed to enforce constraints on the broadcast of materials clearly unsuitable for young minds.

In closing, I believe it would be instructive to look to a quotation from "Art and Sense of Life" by Ayn Rand which applies directly to the subject matter at hand. "Art is man's metaphysical mirror; what a rational man seeks to see in that mirror is a salute; what an irrational man seeks to see is a justification - if only a justification of his depravity, as a last convulsion of his betrayed self-esteem."

Again, we welcome the opportunity to participate in this hearing and remain ready to help resolve the difficult issues which this committee has chosen to address.

VIOLENCE ON TELEVISION

FRIDAY, JUNE 25, 1993

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
SUBCOMMITTEE ON TELECOMMUNICATIONS AND FINANCE,
Washington, DC.

The subcommittee met, pursuant to notice, at 9 a.m., in room 2123, Rayburn House Office Building, Hon. Edward J. Markey (chairman) presiding.

Mr. MARKEY. Good morning. This is a hearing of the Subcommittee on Telecommunications and Finance. I will begin by recognizing members of the subcommittee for opening statements.

We will begin by recognizing the gentleman from Texas, Mr. Fields.

Mr. FIELDS. Mr. Chairman, I want to thank you for holding this hearing today, the second in a series of hearings examining the problem of gratuitous violence on television. As was obvious from the subcommittee's first hearing on the issue, every member is deeply concerned about the increasing amount of violence on television.

As a father of a 14-year-old son and a 3-year-old daughter, this is more than an issue of legislative interest. This is an issue of personal interest.

Regrettably, the trend of increasing violence on television continues. Just this week, two of our four television networks aired prime-time movies entitled, *Dead Bank* and *Murder COD*. While I did not watch either of these movies, I suspect that neither movie was suitable for young viewers, like my two children, Josh and Jordan.

At last month's hearing, representatives from the scientific and medical community suggested there was a direct relationship between violent television programming and increased violence and antisocial behavior. Other experts have noted that alcohol, crime, drug abuse and stress also contribute to human violence and aggressive antisocial behavior.

While the cause of aggressive human behavior may be in dispute, there is no dispute whatsoever that children watch enormous amounts of television programming. In my mind, the evidence is compelling that television viewers, young television viewers in particular, are affected by what they see on television day in and day out.

Three years ago, Congress passed the Television Violence Act which gave a 3-year antitrust exemption to networks, independent broadcasters, cable operators and others in order to provide them

with an opportunity to voluntarily establish standards relating to the depiction of violence on television. And while I am pleased that the cable and broadcasting industries have sought to address the problem of televised violence, I regret that the intended goals of that 1990 law have not been reached.

Today the subcommittee will continue its consideration of the appropriate role for Congress in this debate. Some of my colleagues on the subcommittee may argue that the self-policing efforts of the broadcast and cable industries have not worked, and that Congress must act.

While I believe strongly that the status quo is unacceptable, I am mindful of the First Amendment rights and prohibitions against governmental interference in the content of television programming.

Mr. Chairman, I want to commend you for your efforts to improve the quality of television programming, and I am anxious to explore the effects of your proposal to reduce the amount of televised violence.

I look forward to hearing from our distinguished witnesses today, hearing their thoughts on whether a ratings system for violent programming is practical and whether the use of an electronic chip in television sets is capable of blocking unwanted programming is feasible. Reaction to these proposals has been mixed, and I look forward to hearing the views of our witnesses this morning.

I am going to yield back the balance of my time.

Mr. MARKEY. The time of the gentleman has expired. The Chair recognizes the gentleman from Oregon, Mr. Wyden.

Mr. WYDEN. Thank you very much, Mr. Chairman. I want to commend you, Mr. Chairman, for all your leadership over these many years in this effort, and particularly your persistence. It is very clear these changes are only going to come about with ongoing oversight. You have supplied that, and I commend you for all your efforts.

Mr. Chairman, it seems to me that the key to the parental empowerment effort which you have described as a priority is broadcaster responsibility. We have not seen that broadcaster responsibility in the past. I am of the view that the broadcasters essentially have one last chance to hold off tough Federal legislation, and that is when they have their conference this summer on violence in television programming.

I want to make very clear that we expect major changes to come out of that August summit. It seems to me that the television networks this summer have got to adopt an across-the-board requirement that violent programs are primarily going to be on the air when kids aren't watching; that parental advisories would air before and during violent programming; and that promotional spots for violent shows that air when kids are watching don't glorify and demonstrate violence again and again.

Finally, Mr. Chairman, I would hope that this summer, as we look to this upcoming debate, that the commercial television networks recognize that it is time that they offered at least one hour a week of wholesome, educational broadcasting and information. You and I have for some time said that the networks have in effect stepped backwards in terms of educational programming.

We know that years ago with programs like Captain Kangaroo, on the commercial television networks, there was significant quality educational programming. That is not the case today, and it seems to be particularly outlandish for the networks to say that it is appropriate to show hours and hours of violence each day and then not be willing to offer at least one hour a week of wholesome educational broadcasting.

Mr. Chairman, I commend you again for your leadership. My sense is that today's hearing, coming as the industry prepares for that summit in August, is particularly important. And my sense is that the networks and the broadcasters have one last chance, one last chance to have the self-policing efforts that they have been discussing over the last few months govern this critical field.

And I hope that they get the message today and in the weeks ahead.

Mr. MARKEY. The time of the gentleman has expired. The Chair will recognize himself for an opening statement.

This is the second in a series of three hearings on the issue of television violence and its impact on children. At the first hearing on May 12th, we heard from a number of research scientists regarding the growing evidence of a causal link between watched televised violence as a child and subsequent violent behavior.

Concern about the link between television violence and violent behavior among young people is not new. Back in the 1950's, Senator Estes Kefauver held hearings on the subject. In the 1960's, Senator Thomas Dodd and Senator John Pastore held hearings on the subject as well. Leading medical institutions, including the Centers for Disease Control, the National Institutes of Mental Health and several surgeons general began linking televised violence and violent behavior as far back as those early hearings.

And as far back as those first hearings, we in Congress have been hearing reassurance after reassurance from the industry that government intervention was unnecessary, that action would be taken, and that the amount of violence on television would be reduced.

Unfortunately, even the casual TV viewer knows that nothing has been done; not only has the amount of violence increased, but it has taken on a harder edge and a more realistic quality. All of this comes at a time when the number of hours children spend in front of the television set has been growing, to what is now estimated to be on average 5 hours per day. In our last hearing, witnesses testified that by the time the average child finishes elementary school, they have seen over 100,000 violent acts and 8,000 murders on television.

The message sent to children by television is clear. Violent acts are appropriate and successful behavior, practiced by heroes who resort to it not as a last resort, but as a first impulse, and who are almost always rewarded for this behavior.

The passage of the Television Violence Act in 1990 under the leadership of Representative Dan Glickman and Senator Simon gave all of us renewed optimism that the industry might begin to control the epidemic of violence on television. Yet 3 years later, after joint guidelines were agreed on by the industry in December, we just saw the most violent May sweeps month in history.

The mystery is no longer whether televised violence affects children. The mystery is why the evidence has so little effect on the television industry.

In the midst of the May sweeps, I wrote to the members of the television industry and asked that they consider a two-part proposal for reducing the amount of violent television that young children are exposed to on a daily basis.

My proposal has two critical features: One, a voluntary violence ratings system for television, established and controlled by the industry; and two, a requirement that television sets be equipped with a coding system that allows parents to block out violent programs with a touch of a button.

A USA Today survey to be released today shows that 73 percent of those surveyed, and 73,000 people were surveyed, 73 percent of those surveyed favor a ratings system and 68 percent support the violence block requirements.

My proposal assures that the First Amendment rights of television producers and programmers are protected while the rights of parents to protect their children from violent programming are equally protected.

The Electronics Industry Association has agreed to reserve space in the vertical blanking line used to send closed captioning for the definition of a violence rating. I look forward to hearing more about this from our witnesses today.

Stopping the epidemic of violence on our streets and in our schools should be among America's top priorities. Reducing the amount of violence kids watch on TV is by no means a total solution to this problem, but it is an important step.

The time has come to give parents the power to block these violent programs and to protect their children. This proposal will not change the fact that it is parents who are responsible for what their children watch, but it will certainly make it easier for them to exercise that responsibility.

That concludes the opening statement of the Chair.

We now turn to the first panel, which consists of two very distinguished Congressmen. We will begin with Representative Dan Glickman from Kansas who, along with Paul Simon back in 1990, put this whole issue on track by making it possible for the networks to work together with an antitrust waiver.

And we welcome you here today, Dan, and whenever you are comfortable, you may begin.

STATEMENT OF HON. DAN GLICKMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF KANSAS

Mr. GLICKMAN. Thank you. It is a pleasure to be here. I want to read you this editorial from a Wichita newspaper: "Body Count Violence Hits Living Rooms on Blood Drenched Shows." "Not enough maulings, maimings, murders, and mayhem on the prime-time schedule? Wait until this fall when a new show, NYPD Blue, debuts on NBC. Created by Steven Bochco, who also produced L.A. Law, NYPD Blue could litter the small screen with the highest body count in television history. He said this will be the first R rated show on television."

I just thought the irony of that in my local hometown paper the day before this hearing was too much not to mention.

As you mentioned, Mr. Chairman, I, along with Senator Simon, did author the Television Violence Act which tried to deal with the issue. The networks always said that they really couldn't sit down and talk about ways of reducing violence because it would violate the antitrust laws. And since programming is so much a factor of competitive forces, we decided we would call their bluff.

So we passed this law, Congress did, a few years back, which said you can talk to each other and you can do so without either fear of civil or criminal prosecution under the Sherman or Clayton Acts or any other antitrust law.

Let's face it, television violence is a very serious problem. I don't need to detail the studies that evidence that television violence encourages aggressive behavior in children and some adults as well, and it deadens children's sensitivity to the existence and consequences of violence in the real world. How can we expect our children to rise above the violence when they are so desensitized to the inherent evil, that to them it is as commonplace and acceptable for problem solving as flipping a coin.

The editorial goes on to say, "There can be little doubt that television violence helps create a climate where some impressionable minds think that a couple of blasts from an uzi are the best way to resolve problems. Moreover, so much blood spilled in the American living room must diminish respect for life."

Violence is not an acceptable way to resolve conflict. Just look at the local papers this morning, with the murders in Washington in just the last 3 days. I am not saying they are all caused by television, but they can't help but be accentuated by it. We must act in a way that lets our children and young people know this.

The antitrust exemption we passed expires at the end of this year. I am confident and encouraged that the TV and movie industries will make significant inroads during this industrywide conference that Mr. Wyden referred to on TV violence scheduled for August.

Although I already have heard about the one new show for the fall season, as I mentioned, that is supposed to be more violent than anything that is on the air right now. I sincerely hope the industry can make serious progress by working as an industry, because it is always a sticky situation when we get close to the First Amendment.

The violence must go, but we in Congress can't replace it with censorship. The industrywide conference is a step in the right direction.

Mr. Chairman, I want to commend you for your ideas, the ratings system and the V-blocker. The best way to keep children from watching violence is for parents to be personally involved in their children's viewing. Unfortunately, most families in this day and age do not have that luxury.

Two-income families are now the norm, and more often than not, children watch television when there is no parental supervision available. No parents at home, no control on what the kids watch. That is why, at a minimum, the V-blocker concept is an intriguing idea to provide parents some control when they are gone—and so

many of them are gone all the time. That the V-blocker and other technological advances and ideas let parents supervise when they can't be present is certainly a step in the right direction and deserving of serious consideration.

As I said, we always have to be concerned about censorship, but there is room to advance without crossing that line. I look forward to working with you to develop this and other technological ideas that aren't censorship, as well as the ratings system, which I think is as innovative as anything the movie industry has done in the past. These ideas represent a responsible attitude toward violence in the media that can be accomplished particularly with your leadership.

Thank you, Mr. Chairman.

Mr. MARKEY. Thank you again. Our other distinguished witness, Congressman Joe Kennedy, has been a long time leader on this issue. We welcome him to the subcommittee today.

STATEMENT OF HON. JOSEPH P. KENNEDY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MASSACHUSETTS

Mr. KENNEDY. Thank you very much, Mr. Chairman. I also want to thank Mr. Fields and Mr. Wyden for the participation and commitment they are showing today, and to you, Ed, in particular. I think your leadership on this issue is second to none in the Congress. Your persistence and your innovative and really creative ways of circumventing the difficulties posed by the First Amendment in trying to empower parents in this country to be able to exercise some judgment is really to be commended.

I know how concerned you have been about not only the harm of violent television, but also protecting our Constitution. And to try to meander your way through that channel is difficult, and you have done a really commendable job, and we want to thank you, those of us that are not only in Congress but also are parents. We are particularly thankful to you for your efforts in looking out for our children.

I want to thank both Jack and Ron for their participation this morning. And I am here really to talk as a parent who has two sons that experience violence on television in ways that I don't think any of us that don't watch prime time television on a regular basis can really imagine.

When I am home on weekends and see some of the television that my kids are exposed to, I am absolutely astounded by the violence that they see on a regular basis.

I remember as a child growing up with so many brothers and sisters when my parents would take us to a movie, if there was violence, my mother would simply march 10 or 11 children up and out of the theater on a regular basis. I don't think we ever walked out on any of yours, Jane, at least not for that reason, but nevertheless, the fact is that we, I think, had a very different culture in America where that kind of gratuitous violence was not even seen on television.

There was a family structure in this Nation that in large measure intervened when excessive violence and other kinds of negative influences were an overwhelming aspect to the particular story that was being shown.

That has changed in America. Along with that change we have seen an increase in violence on our streets, in violence in our homes, in violence throughout the social structure of our land. And it is something that our Nation has got to do something about.

The excellent initiatives that this committee, through your leadership, Mr. Markey, have shown in terms of new technologies and a voluntary ratings system are to be commended. I as well have initiated an effort to try to empower parents through the establishment of an 800 number that would be situated in the FCC for people to call with comments, complaints and suggestions about the violence they see on television. The FCC would be required to collect and publish the comments and to transmit to each station those comments made by their viewers.

These comments would then become part of the license process for broadcasters when they seek renewal of those licenses. The bill would empower parents and teachers and other concerned adults to find and to fight the gratuitous violence that invades their living rooms every single night.

The bill puts into their hands the information needed to pressure the local television stations to begin to take more seriously the legal responsibilities of all television stations and to serve the public interest and to meet the educational and informational needs of our children.

Mr. Chairman, in the end, the ultimate solution may be to give ordinary citizens the power to express their strong objections to the trash their kids are exposed to.

Given these initiatives, and given the initiatives by both the publishers of television violence, as well as Hollywood and the TV producers, I am very hopeful that the conversation in August that Mr. Wyden referred to will accomplish its set goals. But I do believe that there is an alternative. And I think that it is time that the industry takes into account the fact that when they put on violent television show after violent show, the only reason it makes the airwaves is because it is supported by advertisers.

Now, all of us run for public office and we buy a lot of television advertising on a regular basis every couple of years. What we do is buy some ratings points and they assign us some kind of purchaser of those television time slots that best gets our message across. But I bet most Members of Congress have no idea what shows their advertising is promoting.

And as well, I bet most CEO's of corporate America have no idea what Lee Iacocca's Chryslers are advertising on television, and if they did know, I think the corporate culture in America would intervene against Hollywood and against television stations that simply want to promote violence through advertising.

So there is an alternative. If Hollywood doesn't get it together, if we find it so difficult to move in the Congress because of First Amendment rights, there is an alternative, and that is to organize the advertisers of America to begin to put their imprint on what kinds of shows they are willing to have their advertising dollars support.

So I think that there are ways that we can protect people's constitutional rights, including the constitutional rights of those that

purchase television time, not just those that use the airwaves to promote violence as a side-bar to their moneymaking activities.

So I think, Mr. Chairman, that I would like very much to work with you, Mr. Glickman, Paul Simon and so many others that have taken strong initiatives in this regard. But I think that there are ways to work together with corporate America to begin to establish some new initiatives to begin to curb this violence.

I also very much just want to take a brief opportunity to thank Mr. Turner for his initiatives this morning. He has always been an innovative and creative force in television, and the fact that he would take this initiative, I think, is a very serious effort on his part to do something about the kind of violence that our families and our children are exposed to.

And I as a Member of Congress just want to thank you, Ted, for your initiatives, and I want to thank you again, Mr. Chairman, and the members of your panel for your help and assistance in this regard.

Thank you, Mr. Chairman.

Mr. MARKEY. Questions from the subcommittee members?

The gentleman from Oregon?

Mr. WYDEN. Thank you, Mr. Chairman. I am going to be very brief. I think both of you have made an excellent contribution. I want to just touch on one point each of you had said.

Danny, I think your point about the NYPD show is especially important, because it really illustrates how this issue has been handled in the past. The history of this is that some time, the networks have been talking about voluntary efforts. Last December, they talked about putting in place significant standards in order to deal with this violence we know is supposed to take place this fall. But already, we see in the example you gave in the NYPD show that those standards are going to be violated.

Already we are seeing that these voluntary standards are a lot of baloney. And if they really were serious, if they were really a serious effort, you wouldn't see a situation where after the industry and broadcasters talk in December about being serious about dealing with it, we have already got shows that are on line and on tap for the fall to breach it.

So I am going to work very closely with you. I think that you have done more than meet this industry halfway in terms of extending them the olive branch. I think the significance of this NYPD show should not be minimized.

Joe, I think this idea you have of advertising is very much worthy of being followed up. In particular, to make sure I get the sense of what you are interested in, what you think we ought to be pursuing is, if a company on a regular basis with a significant amount of advertising money is sponsoring violent shows, you think the public ought to know about that.

Mr. KENNEDY. I think it is more than that, Ron. I think what we can do is potentially pull the major advertisers, and there are not that many of them, in fact most people would suggest there is really just a few that control the large segment of advertising dollars on television.

I think you could pull them together. And you could ask them to set a certain standard by which their products would not be adver-

tised on television. And I think that those corporate executives, I believe, would in fact adhere to that standard and simply not purchase the kind of violent television that Hollywood has been throwing at the television set.

So that is where I believe there could be a major shift in the power of what gets on the tube, which is now sort of located in the television stations and the producers' hands, and shift that over to corporate America's hands.

It is a power that has never really been outlined, it has never been organized, but I think that this kind of issue could mobilize the corporate executives.

Listen, you pull together 100, 150 or 200 corporate executives in America, show them what their advertising dollars have been putting on the tube, they are going to be shocked. And you say to them that you would like to go through some kind of ratings system, and that we don't expect the major car companies, the major drug companies, the major health care product companies in America to be advertising shows below a certain level of violence, I think they would probably agree to it.

And I think that, in and of itself, will clean up television, at least this aspect of prime time television, network television, overnight.

Mr. GLICKMAN. I would just add, I think Joe makes a good point. A lot of the national PTA groups and parents' organizations are starting to—I am not saying engage in a boycott because that is the wrong word—but engage in deliberate discussions with major advertisers to try to, again, protect children.

But I also believe that what Mr. Markey is talking about, you can accomplish in an indirect way, too. By having a ratings system and some form of modern software on your television set, and with a little bit of the side-bar negotiating with advertisers, you are going to get advertisers knowing which shows are subject to parental review very quickly.

And the marketplace will then work quite nicely to hopefully modify the content of the television.

Mr. WYDEN. It is clear both of you are looking in very creative ways to enhance marketplace power to empower parents. It is an exciting set of options you have given us. I commend both of you for your work.

Mr. MARKEY. The time of the gentleman has expired. The gentleman from Texas.

Mr. FIELDS. I appreciate both of you being here on a Friday morning and hearing your testimony. As I am sitting here, I am compelled to say, this is not a Republican issue, it is not a Democrat issue, it is not a conservative or liberal issue, because as we sit here, as Members of Congress, we also sit here as parents, and we also sit here as people sensitive of First Amendment freedoms and protections.

And if I understood your testimony and the others that have been said today, we all hope that through collaboration between Hollywood, the broadcasters and cable, that something is done in August, something that sends a very clear signal to us that this issue is being addressed, that it is not something in the distant future.

But my question, and I am going to try to be as brief as possible, my question is, what happens if we don't get that signal, we come back here in September and we have already waited 3 years, we don't get the signal, there is no clear game plan, what is a reasonable amount of time before we act?

And I have to say to you that even among the subcommittee, I think there is some disagreement, some concern, some questioning about exactly which direction we go. But I think that we are unified that something must be done.

The question is, how much more time do we wait if something doesn't happen in August?

Mr. KENNEDY. Jack, I would strongly urge the committee to do just what you are doing this morning, which is to send a message that Hollywood begins to take very seriously. I have always felt that it is going to be difficult to get the industry to police itself. You might get something in the short term to get you through the fall sweeps or something like that because they know that a powerful committee like this is bearing down on them.

But my sense, and which is why I had tried to approach the idea from a little different fashion, is to get the advertisers together—I think if you began to organize the advertisers in a way that, as a for instance, could bring them here to Washington and maybe have members of this subcommittee and others meet with those advertisers, call for the kind of ratings schedules, call for the kind of suggestions that this committee, through Mr. Markey's leadership, have already indicated in terms of the labeling of violent shows, of perhaps some positive television advertisements that teach not only parents but the kids as to how to view television violence, that you could probably get those corporate executives to agree to the ratings schedule, as well as to these other steps.

And I think that if you were able to get them organized in such a fashion, that if we could begin to initiate this process with network television, then a lot of other pieces would begin to fall into place, such as cable television which, as you are very well aware, is a whole different animal than network television.

You have to approach it one step after another, but I would urge this committee to send very strong signals that if they don't get their act together by August, you are going to be taking very swift action.

I think the American people look at the violence that takes place in urban streets, in every community across America, and says, look, the Congress has to find something to do about it, and I think that is what this panel is trying to do.

Mr. GLICKMAN. We passed this antitrust exemption, Jack, for 3 years to give them some time to work together. I haven't seen very much come out of it. We have got this conference in August. If I felt like there was a real conscious, legitimate effort to work together, then it would probably be worthwhile extending that exemption for another year or two. But I don't want to do that just as holding action, either.

And, therefore, I think what Ed is talking about in his bill, I mean whether it is in legislative reform or whatever, which is moving towards some sort of ratings system as well as some form of software to give parents control, is a good thing to do notwithstanding

ing what the networks and the broadcasters and the cable operators are going to do. I think Congress needs to push in any event.

The problem with all of this is bigger than just television. It is culture in America. We don't have parents at home. Nobody is monitoring kids. They are doing whatever they want. The TV set has become the third parent. You can't solve the whole problem just by bashing the television industry, although they share a large responsibility for it.

Somehow the family in this country has to come into this action and be a partner. That is why what Ed is talking about has some relevance to all this stuff. Here at least you let the parent, if he or she sees an R or X or whatever kind of rating system, can have some moral imperative to make some judgments, or if there is a chip on there, maybe there is some way to stop the programming for that period of time, although that is no miracle answer as well.

I don't think we should all stop just because the industry is meeting in August.

Mr. FIELDS. I appreciate you bringing to our attention this new program in the fall, and this person boasting that this would be the first TV program with an R rating. I turned to my counsel and she informed me that the network is going to put a warning, a parental warning concerning this particular show.

You know, we sit up here and talk about sensitivity of First Amendment freedoms and rights, and we should, but I think that our broadcasters in Hollywood should be a little sensitive about our concern, not just as a subcommittee, but each of us represent 575,000 people. The majority of us are parents. And we are greatly concerned, and we have created this atmosphere in which there can be collaboration to voluntarily, you know, work this issue out.

And I think it is important, just as the chairman and Ron and others have tried to do, and the two of you, to send a very clear signal that if something is not done voluntarily, the Congress is going to act.

Mr. MARKEY. The gentleman from Ohio?

Mr. OXLEY. Thank you, Mr. Chairman. I want to commend our colleagues for their good work. The last time we had a hearing, what, about a month ago, Mr. Chairman, it just happened that it was the week many of us had our senior interns here in Washington for the week, and all of my senior interns came down and watched a good portion of the hearing.

And afterwards, over lunch, I was amazed at how that issue of TV violence reverberates even among elderly citizens whose kids are long grown up, but have a great deal of concern about their grandchildren, obviously, and just about the whole concept of violence on television.

And they told me that of all the things that they were participating in that week, that the hearing on TV violence was the most poignant and the one they talked the most about when they went back home.

So I think we have really found an issue that many of us can rally around, no matter what our political persuasion is, and that certainly is the first step in trying to get something done in a positive way for the American public.

So again, I thank the Chair for the hearing, and particularly the gentleman from Massachusetts, the gentleman from Kansas, for their good work in this area. I yield back the balance of my time.

Mr. MARKEY. Just a little bit of history so you can have some sense of what we are concerned with here. 1941: the industry says, we will try to do better. 1959: another set of hearings; Senator Dodd in the 1960's. Late 1960's: Senator Pastore, another set of hearings, each time saying, we will try to do better, and for a while there was improvement in each area.

My wife is a psychiatrist, and she tells me there is a term, actually, a medical term for this, and it is called a "flight into health": once the patient realizes how difficult the therapy is going to be, they immediately say I am all better, I don't need to be here again. I feel so much better, I won't take another drink or more drugs, whatever it may be, I am all better. Flight into health.

To a certain extent, that may be what the industry is doing right now, saying "We are so concerned, we want to talk about it", but in fact just waiting for the heat to die down before the pathology returns as it has done inexorably for 4 decades now.

What we are talking about is giving permanent power to the parents. Once they can see which programs are rated with a V, and they have the remote control in their hands they have the ability to block out not just a single program, but an entire channel if they want. But, if they don't want MTV in their home and as part of their basic cable package, they have no way of getting it out; or if they want to buy CNN and along comes MTV with it, they are stuck with it.

People should have the right to block out not only a single program, but an entire channel, and not only an entire channel but a single program, and they shouldn't have to sit by the television set all day long in order to have to do it.

As the gentleman from Kansas just said, it is not the 1950's. Mom is not home with a bowl of tomato soup and a peanut butter and jelly sandwich at noontime when the kids come home anymore. That era is gone. Kids have a remote control in their hands.

The television executives have said over the years that it is up to the parents to shut off the set. It is their responsibility. Well, what we are talking about here is giving the parents the responsibility. But since they are not home all day and the kids are watching TV, we will let them turn off the violence early in the morning for the whole day. Or we will let them turn it off for the week or for the month, just by remote control programming of the set, and then they can hand the remote over to the kid.

So in that way, we feel that advertisers will listen, because there is no question violence sells. That is why advertisers put their products on those programs. But as you can see, anti-violence sells as well, to Congress and to parents across the country.

And in this conflict, I think that some kind of accommodation between technology, voluntary restraints by the broadcasters, and pressure on the advertisers will result in a permanent change of conduct, primarily because if you want to put on extremely violent programming, you must be prepared for 10 percent of the people in this country to block it out.

By the way, it is only a very narrow wedge of the population that most advertisers are trying to target. That is, it will be the upper 30 or 40 percentile of the population that would be able to buy a new television set over the next 2 or 3 years, but those are the primary targets of most advertisers in our country.

And if all of a sudden advertisers realize that they will lose 10 or 15 percent of their target audience, they will start to look for the programs all of those families that are targeted are watching. In that way, the lower part of the socioeconomic spectrum, those who may not have a mother or father at all in the home, may become beneficiaries, because that set which is used exclusively for most of the day as a baby-sitter would in fact now have the benefit of a reduction in violent programming, even though advertisers are not targeting them, because the yuppies are turning off with the remote control the violent programs.

So that is the thought. So this is some combination of all of those ideas that you, Dan, and Joe, and other members of the committee are all working on, and I think that this time it is not going to go away. And we will find some combination that ensures that those permanent pressures and power be in the hands of the parents so they have it on a daily basis. Then I think they will begin to listen.

We thank both of you for your cooperation and participation. Thank you.

Mr. MARKEY. Now we turn to our second panel, which is a one-man, multinational public interest group, Ted Turner. In my opinion, when the history books are written, Ted Turner will go down as one of the 20 most important Americans in the 20th Century.

It is an honor to have you here before us today, Mr. Turner. You have been before the subcommittee many times in the past. Whenever you are ready, please begin.

**STATEMENT OF R.E. TURNER, CHAIRMAN AND PRESIDENT,
TURNER BROADCASTING SYSTEM, INC., ATLANTA, GEORGIA**

Mr. TURNER. Well, thank you, Chairman Markey, Congressman Fields and members of the Telecommunications Subcommittee. I am pleased to be here this morning.

Mr. MARKEY. Is the microphone on down there?

Mr. TURNER. Is this microphone on? Sorry about that. I am pleased to be here this morning.

We in Turner Broadcasting have been concerned about television violence from the beginning of our company in the 1970's. As you know, Mr. Chairman, I have testified against TV and film violence a number of times over the years. In 1981, I testified before this very same subcommittee that television violence is, quote, the single most significant factor contributing to the rising violence in America. And I still believe it.

Violence is part of our society. Television which both reflects our society and helps us interpret it, cannot and should not avoid the subject. But as a parent of five children, I don't need experts to tell me that the amount of violence on television today and its increasingly graphic portrayal can be anything but harmful to young people. This is particularly true where violence is glorified as a preferred solution to the complex and diverse problems of our society. And it is worst of all where violence and sex are combined, as so

often is the case in theatrical movies and made for television movies, which will end up on television anyway.

The Turner Broadcasting is dedicated to creating diverse, non-violent programming for networks and syndication market. We do not produce movies of the week which sensationalize the latest tragedies played out in the national news media. We have produced over 60 original movies and mini series for TNT since its launch in 1988. I am personally involved with the stories of each original production, and I can tell you categorically that these movies do not contain gratuitous violence, unlike many of our competitors.

I believe that our record on violence is good, but we are not perfect and do not claim to be. I believe we could be fairly criticized for some of our choices in airing theatrical movies which are sold to us in packages with other less violent films. We at Turner Broadcasting are determined to be part of the solution to this problem of TV violence.

On June 9th, I wrote to Chairman Markey at his request outlining our position. Within our company, we are immediately taking a number of steps. We have subscribed to the Broadcast Network's Violence Code, at the same time maintaining our own standards and practices, which in operation are stricter than the network standards.

We have banned promotions for action films and other motion pictures that contain violence from children's programming, and we will assure that promotions appearing in family programming are appropriate for family audiences.

We will apply the same test to promotional materials contained in paid advertising for theatrical motion pictures. I will note for the record, Mr. Chairman, that for several years in the early 1980s, I personally made the decision not to run ads at all for any motion pictures rated R for violence.

From a studio, they told us we would be punished because if we would not clear their R rated movie advertising, they would not give us advertising for PG and G rated films, and for several years, when we desperately needed every penny we could to stay alive, our company was totally boycotted by Hollywood.

Eventually, the studios began to produce multiple trailers, including some less violent and more suitable for younger viewers, and we took only the least violent of the R rated movie promos, but basically one network or one company alone cannot combat this. We have to have—everybody has got to be playing by the same set of rules.

We are reviewing our selecting and editing policies for theatrical movies and we will label motion pictures containing violence where parental discretion or guidance would particularly be promote. But we will be penalized for doing that unless the whole industry does it as well.

As the letter also states, there are limits to what one company alone can achieve. We at TBS are therefore prepared to join in any joint approach to the violence problem that can be agreed to by the principal players. We intend to participate actively in the August 2nd industry violence conference and to press for action. But I am personally not too optimistic of what is going to come out of that

unless the pressure is kept on, because there is just too much money involved.

I have talked to studio heads. Unless the pressure is kept on, nothing is going to happen. The very fact that we have had 3 years since Senator Simon and the House passed this bill giving the industry a chance to respond, and you can see so far all that there has been a big stall, as a practical standpoint.

And you can expect that. I mean, one of the networks is owned by a cigarette company. I wouldn't be in the cigarette business for anything. Another one is owned by a company that makes nuclear weapons. What do they care? All they care about is the almighty dollar.

The Hollywood production community needs to be a part of the solution, not just because they produce the new made for television material, but because theatrical motion pictures always make their way onto television. Maybe not every movie needs to air on broadcast television or basic cable, but with the amount and kind of violence we see in the movies today, it will be hard to clean up television.

In particular, we are happy to strongly support your call for industry-developed violence ratings combined with a chip in television sets that it would allow parents to black out violent programming. This approach will give parents a realistic chance to control their children's viewing.

Use of the violence chip by new TV purchasers should be enough to cause changes in programming that will benefit all viewers, and so would the pressure that will come from advertisers. Programmers will generally not want to present programming labeled as excessively violent in children's and family time periods.

Also, it is likely that in many TV homes new technology will allow parents to exercise the kinds of control you call for, using existing television sets within the next 5 years.

I want to read a couple of paragraphs from an article in this week's Broadcasting Magazine, and this is why the rating system will work. It says, the headline of it is, "Violent Code Could be Economic Scarlet Letter". Advertisers could balk at buying shows rated as violent, what Joe Kennedy spoke of earlier, but this is from the advertiser's point of view.

While the debate rages over whether a rating system for violent TV programs will combat violence in society, one thing is for certain, such a system or lock box for parents to block out certain channels would likely have a big impact on how and where advertisers spend their money.

"A number of advertisers have very stringent guidelines with respect to sex and violence, and shows with advisories saying parental guidance suggested because of graphic scenes will have those advertisers asking to be pulled out," said Bill Croesdale, president, Network Broadcast, Western International Media.

While it is believed in some circles that warnings entice viewers, thus enticing viewership, that is not the case when it comes to advertisers. Although advertisers' boycotts have not been effective media buyers so far, other publicity over certain shows could lead to boycott letters going to the chief executives of advertisers and those, Mr. Croesdale said, are often effective.

Advertisers, Croesdale said will show up on those lists only once before they say they never want their companies' names to appear on such a list again. There is also concern that a rating system could make finding shows to boycott all the easier for media watchdogs.

While network programming executives have spent much of their—of the last month preparing for and testifying in hearings on Capitol Hill, their counterparts in sales are weary of the subject. "It is a pretty sensitive issue here right now," one network executive said. "Anytime you put an advisory on anything, it is a red flag to advertisers who then pull out and we lose money."

Mr. Chairman, it has been nearly 3 years since enactment of the Television Violence Act of 1989 which established an antitrust exemption to allow action against excessive television violence. You and Senator Simon and other congressional leaders have every right to ask us what has been accomplished and what has been accomplished so far is not nearly enough.

We at Turner Broadcasting are prepared to move forward on the basis of your plan.

Thank you.

Mr. MARKEY. Thank you, Mr. Turner, very much.

I would like you to return to 1981 for a second when you testified before this subcommittee on that subject. I asked at that time for your response to the broadcasters' argument that turning off the set is enough control for parents, and that they must be responsible for the programming which their children watch.

Here is what you said back in 1981: Why should the public have to turn off the television sets? Why, since it is the public air waves that these broadcasters are using, why should they have to turn the set off? You went on to add, speaking of the broadcasters, that they have as much responsibility as the parents do, in my opinion.

Do you think there is any likelihood that the industry will react without legislation, even if there is a short-term, positive response which is elicited from the summit in August and from the pressure which is on from the Congressional hearings being held at this time?

Mr. TURNER. I do not, not unless, I hate to say this, but unless you keep the gun pointed at their head, I don't think anything is going to happen. I think you will just get a lot of mumbly, mealy-mouthed B.S., and then they will just keep doing what they are. They just hope this goes away like it has in the past.

I just hope you stay the course this time.

Mr. MARKEY. So you are saying that we would have to almost change this from the Subcommittee on Telecommunications to the Subcommittee on Television and Violence and just continue to have hearings on this subject on a permanent basis, because when we stop these hearings and they feel there is a respectable interval, they will just return to their past conduct?

Mr. TURNER. Well, you could remind them this time what you did to the cable industry most recently.

Mr. MARKEY. Maybe I will have you remind them of that.

Mr. TURNER. Maybe that would help straighten them out.

Mr. MARKEY. The broadcasters say that cable violence is much worse than broadcasting.

Mr. TURNER. Well, certainly the pay television services, and some of it, there are some of the networks that are much better, like the Disney Channel, and I would say that our channels are on average better than the broadcast channels.

But the pay movie channels and the pay per view channels televise all the latest theatrical movies uncut and uncensored. Now, they are an extra purchase. But with this lock box or this chip you are talking about, those could be blocked out, because as Congressman Kennedy pointed out, and as you mentioned, there are so many homes today, the majority where children don't have a parent there to watch what they are viewing, because of two-income families.

But this lock box would straighten it out, it would block out everything that was violent.

Mr. MARKEY. So your contention would be then that the cable industry is much more receptive to new technologies than the broadcasting industry?

Mr. TURNER. I am on the programming committee, of course, and I strongly recommended to the cable programmers that we should go along with this violence rating, and we should go along with the chip too, and I believe at that meeting, even though it hasn't been made public, that the majority of the cable programmers went along with it.

Mr. MARKEY. Well, what is it then that distinguishes the broadcasters from the cable people? Why would your industry be more receptive to it and the broadcasters not?

Mr. TURNER. Well, as you know, I am a cablecaster and I am not invited to the broadcaster meetings. We are in competition with them, and we are aligned with the cable industry and the broadcasters on the other side of the aisle. So I am not there with them.

We will be with them there in August, and it has been, it has been clear, our position from the very beginning in the early 1970's when I got in this business and realized—remember, the U.S. society is by far the most violent on earth. We have more crimes per 100,000 people than any other country on earth. 23,000 murders in this country, last year, 100 in Northern Ireland. So it is de minimis in Northern Ireland compared to here.

I have been in favor of—and the rating system, the rating system and the chip will go further than—and the rating system works pretty well for the motion picture industry. It will work. Those people who want to keep purveying violence are going to be opposed to it and they are going to drag their feet. They won't come in here and—you know, they will try and kill it behind the scenes and so forth.

But if you stay the course—I know they are very concerned. I have talked to, just in the last few months, to the head of one of the studios that creates—one of the largest creators of television programming and one who makes very violent movies who said, I know these programs are awful, but we make too much money not to make them.

So there is going to have to be—the pressure will have to be put on to such a degree that they will act, that our industry will not act without the pressure. I mean they have had 50 years to do it and haven't yet.

Mr. MARKEY. What would you say to a broadcaster who would contend that the cable industry is more supportive of a computer chip resolution of this issue because that will give even more control over the fate of the broadcasting industry to the cable industry, and that they are more familiar with the technology; that is, the cable industry and the bottleneck control which they have over it will further enhance the competitive edge of the cable industry versus the broadcasters.

Mr. TURNER. I think everybody has got to do it, Congressman.

I would say to the broadcasters that they better go along with the rating system and one with teeth like the MPAA has, we can't use the act system that the MPAA has with—I like the V for violence, and then something equivalent to a GP and a G rating, maybe three ratings categories would be my idea, and that—but all segments of the industry, the networks and also the syndicators and the television stations, because a lot of these really violent shows are syndicated rather than coming from the network.

The tabloid news shows which are some of the most violent of all, Inside Edition and Hard Copy, what do you think it is, it is exactly what it says, it is much violence, in mixing news and quasi news and violence together, all those shows should be labeled, should be labeled V.

Mr. MARKEY. And what would you respond to the contention that while it may be logistically simple to label a couple of hundred movies a year, it is just completely impossible to put ratings on all of the television programming and all of the cable programming that runs every single day.

Mr. TURNER. That is not true. Once you label a program, you label it. And it will not be that great a problem. I think that the way that the system—it should be self-regulated, but there should be some kind of a protest system within the industry where if one network doesn't make—refuses to label a program V, that other people in the industry think should be, that there is a neutral board that could review the program, like an MPAA board and put the—so you could basically protest somebody's self-rating and take it to a neutral, a neutral place.

There wouldn't be many programs that went that route, but at least there would be a way to—for the industry to police itself if there was one or two members that refused to go along.

Mr. MARKEY. So you don't really believe, then, that they have a legitimate contention that this would be—

Mr. TURNER. Absolutely not. There is no reason why these programs can't be rated, and inexpensively.

Mr. MARKEY. Now, inside of each network or each entertainment company right now, is there at least an informal group that is looking at all of this programming?

Mr. TURNER. There certainly is in our company.

Mr. MARKEY. And what does that group do?

Mr. TURNER. They review programs, and we edit, we edit theatrical movies. The movies are sold in packages of 30, 50, 100 films, and there are so many nonviolent films, but the violent films are packaged in, and what we do is we edit them.

But we are and have been more recently, because of competitive pressures, aired more violent films than we used to because we

have to stay competitive in a 50-channel environment. We have, after my personally fighting it for a number of years, we have eased up on our standards, if you want to know the truth.

I mean at least I am telling you the truth, because we are being forced to do it by the competition.

Mr. MARKEY. So each network whether cable or broadcast then makes a knowledgeable, informed decision on every program, every single day, and in essence, is giving each program a rating themselves right now.

We are not adding, in other words, some significant new burden to them; they already are making these decisions as to what they are going to edit in or edit out in terms of the programs they are putting on their channels.

Mr. TURNER. I think they—I can't speak with absolute accuracy. I remember several years ago when General Electric bought NBC, that they announced that they were completely disbanding their standards and practices unit and they let 15 people go.

And then they got in such trouble with just outrageously violent programming that they hired a couple of people. But that is GE for you, you know, the people that have stolen from the U.S. taxpayers so many times, 100 indictments in the last 30 years. You know, what did you expect from them?

Mr. MARKEY. But just thinking of it generically for a second, your opinion then is that the personnel inside each of these networks, inside of these independent channels are making these decisions all day long, every single day.

Mr. TURNER. And they should have been making them a long time ago. We have waited 50 years for this and finally the government has taken action. Unfortunately, our society already has paid the price. Hundreds of thousands of people have been murdered, and this is one of the leading causes of it. And they are guilty of murder, as far as I can see. We all are. Me too.

Mr. MARKEY. My time has expired.

The gentleman from Texas, Mr. Fields.

Mr. FIELDS. Mr. Turner, I think the answer is obvious to the question I am about to ask, but I want to give you an opportunity to spell it out for us.

The question is why do you have and have had since your inception, stricter standards than the other networks, the other broadcasters?

Mr. TURNER. Why? Because I feel a sense of responsibility with what I do. I went into broadcasting to serve the public interests, and I love my country and I love people, and I don't want to see all this murder and mayhem and increasing crime.

I mean we had greater poverty in this country during the Great Depression than we do today by a huge majority. The poverty was much greater, but the rate of crime was a tiny fraction of what it is today. And I put it, the main cause of it, I put in my own mind is television and movies.

Mr. FIELDS. And you have been more than competitive with others.

Mr. TURNER. That is right.

Mr. FIELDS. There has been then natural growth in your company, in your enterprises.

Let me turn to this question. In August we are going to have this historic summit, perhaps the first time in communication history where cable and Hollywood and the broadcasters are going to sit at a common table and talk about an issue that is pervasive in America.

If you could dictate or guide what comes out of that August summit, what would it be?

Mr. TURNER. I would be, I would be happy at this point to see how it worked with a meaningful rating system for violence similar to what the motion picture companies, what the MPAA has, and for them to endorse the technology that you are going to see after I leave about how to—how a parent can push a simple little button and get this garbage out of their homes when they are not there.

Mr. FIELDS. What do you think the time frame for the implementation of the rating system, or if we go the direction of mandating a chip, what is the time frame?

Mr. TURNER. I think that after this August 2nd meeting or within a month of it, if the industry doesn't come up with—doesn't come up with, on a voluntary basis, I think Congress should act and ram it down their throats. It is bipartisan too, which is great. One of the few things we all agree on.

I mean the body of evidence, you have already had George Gubbner and the psychologists and the doctors and the educators; the linkage is there. I mean you made the cigarette companies put on labeling and we have the right to bear arms, but we don't have the right to have nuclear weapons, I mean, you know, individuals, I always kind of wanted to be a nuclear power, but I think it is right that individuals can't own nuclear weapons and I don't think they ought to be able to own Howitzers or F-111's, be fully armed and everything, and these violent television programs, we know the evidence, it has made us the most violent Nation on earth.

More than that, these movies and television programs are exploited all over the world, making the whole world more violent and you can do something about it. It is not going to happen if you don't. But let's go with a rating system, cram that down their throats and the chip. If they don't do it voluntarily, you go ahead and do it.

I don't like government intervention, but this time, if the industry doesn't act, it is called for.

Mr. FIELDS. Let's go one step further. Let's say that the industry does act, or let's say they do not act, and we come up with some type of policy or perhaps some type of mandate. You know, you are speaking today to a much larger audience than just the five of us before you.

Mr. TURNER. I know that.

Mr. FIELDS. What would the television world, the entertainment world look like without violence?

Mr. TURNER. There would still be violence; there would be violence, but it would not be gratuitous violence, it would be the same kind of violence that was in Shakespeare. They just wouldn't make it look like—wouldn't make it look like fun.

You know, right now out of the programs, they make it look like violence is appropriate, that murder is appropriate, that it is a kick

to beat up women and then abuse them sexually and rape and mayhem. You know what I am talking about.

Mr. FIELDS. In other words, it would be a world without gratuitous violence.

Mr. TURNER. That is right. I mean violence, violence, if it is—we just produced a movie about the battle of Gettysburg, 52,000 people died. But when you see that movie, you are going—you come out thinking violence is bad, which it is.

Violence is inappropriate, as in the opening statement, violence is inappropriate in today's world.

Mr. FIELDS. Let me move to one other area and then I will yield back.

The chairman and I have had a number of discussions about a number of different things and we realize that this subcommittee, quite a pulpit, you know, to air views that we hear back in our congressional district, and we hope are heard by various segments of various industries.

Congressman Kennedy today talked about the advertisers. What role should we play in regard to the advertising community? As an example, do you think it would be beneficial if we had a hearing and we brought some of the advertising groups in knowing that by bringing them in, whatever we do, whatever we say is going to be picked up in their trade journals and their communications, but to let them know how serious this issue is, and you know, perhaps probe to find out what effect a rating system would have in regard to their advertising dollars?

You know, what role does that have in this entire debate, if we did something like that?

Mr. TURNER. If the industry would go along with this rating system, as that article I read you, we wouldn't need to bring the advertisers in. Most of them are concerned about their corporate images.

But right now, they are into it. They know about the violent programs. Some advertisers like Johnson & Johnson do make an effort to stay out of them, and there are some others that do. But most of them look the other way. You know, they say oh, there is so much violence, if we don't advertise in the violent programs, then we won't get enough, we won't get enough coverage. So they look the other way.

You know, like—was it Saul at the stoning of Saint Stephen. When the Lord came to him, he said Lord, I didn't throw any rocks. He said yes, but you didn't raise your hand to stop it either.

They go along with it. Bringing them in and jawboning with them, there are so many different programs and the chairmen of these companies can't make the decisions. But if there is a rating system, it will be real easy. You got to have the rating system, that will take care of the advertisers by itself.

The rating system, most advertisers, once that rating system is put in, will stay out of the V rated programs, Inside Edition and so forth that are in there now, and it will drive those programs off the air. Yes, television will be a little more Pollyanna than it was. But what is wrong with more shows like the Cosby Show?

You know, those shows get good ratings too.

Mr. FIELDS. Thank you, Mr. Chairman.

Mr. MARKEY. The gentleman's time has expired.

The gentleman from Oregon, Mr. Wyden.

Mr. WYDEN. Thank you, Mr. Chairman.

Mr. Turner, I just commend you for all of your work, and it is really refreshing to have someone come before us and speak English and not usually the congressional babble that we have in so many of these debates.

I just wanted to ask you a couple of questions. The first is, my sense is that if the industry was really serious about turning this around, they would take on a show like NYPD Blue that you would hear people really speaking out on it. Because I think that show in effect coming out at the time when the so-called standards are supposed to kick in, basically blows open that these standards are a farce, that they are a stall.

I mean you look at the standards, for example. Let me read you a couple of the sections: "Extreme caution must be exercised in any theme." Well, that is really a bold position for the industry to stake out. Then it says "Certain exceptions to the foregoing may be acceptable." I mean you just read your way through it.

It is the kind of thing that everybody would go along with. I mean don't you think that if the industry was serious, they would be willing to speak out about a show like NYPD Blue that is supposed to be coming out this fall, right when their new approach is supposed to kick in?

Mr. TURNER. Well, I know the industry is not serious. The industry is not serious because it hasn't taken any action in the last 40 years, as the evidence mounted, and their lack of willingness to go along with this.

You have had the network—the over the air network chiefs in here already, and some of the producers, and you know, they are giving you the runaround.

Mr. WYDEN. I, when I talked earlier about the August conference, in effect suggested that I would like to see a very different kind of approach come out of August, and I just think the fact that you are going to be at the table and saying what you have said today is going to be enormously helpful.

But I would like to see us get away from the kind of baloney that is in these voluntary standards and move to more specific. I mean for example, what I hear at home from parents is that they think that the violent programs ought to be on the air primarily when kids aren't watching, during the hours when kids aren't watching, that the promotional spots shouldn't be targeted to violence, because of course that feeds the whole audience for the violent programming in itself.

Wouldn't it make it more advisable to go after those kind of specifics, rather than just this kind of generalized happy talk that makes up these standards today?

Mr. TURNER. Well, I strongly believe that this, that this rating system, this television program rating system, with the V and the equivalence of PG and G ratings, that we are talking about, that they would have teeth in them.

If they didn't, one good thing, the Congressmen and their staffs can read, and if it is not—if you don't feel like it is satisfactory, then let's get some legislation going.

You know, even though it does get on the edge of the First Amendment, so did taking away cigarettes' right to advertise on television. I mean, when it is a public hazard, the public has rights too.

Mr. WYDEN. Well, it is pretty clear now that the only way broadcasters are going to respond is if you come down on them with economic muscle.

I mean we have had just one effort after another that was sort of good government and willingness to give them a great deal of opportunity, and it clearly hasn't worked. I am glad you are out there using your bully pulpit and your position in the industry to try to turn it around.

Mr. TURNER. Thank you.

Mr. WYDEN. Thank you, Mr. Chairman.

Mr. MARKEY. The gentleman's time has expired. The gentleman from Ohio, Mr. Oxley.

Mr. OXLEY. Thank you, Mr. Chairman.

As you know, the Waco disaster, at least one major network started producing a show even before the final outcome of that tragedy. And as I understand it, the other two are quickly catching up producing shows that you mentioned earlier, docudrama or whatever you want to call it.

Do you see this as kind of a metaphor for what we are talking about today and an example of what we are going to face in the future with these kinds of violent episodes, and particularly the ones that actually happen so that it makes it even more poignant for the viewer?

Mr. TURNER. Well, that has been the trend—the trend has been to more graphic and bizarre violence, mixed with sex and other kinds of religious cults and sex. I mean it gets more bizarre, because when you have got a violence culture in entertainment, you have to constantly be coming up with more violent, more violent and bizarre things to get the viewers' attention. It is like in the Roman Colosseum.

You know, they started with Christians and lions, the next thing you had elephants being killed. You know, it just got to the point finally where the Roman people just said let's stop it. Maybe the American people have said let's stop it here on television.

Mr. OXLEY. That is an excellent analogy. You said you are going to be participating in the August conference. What kind of coverage do you predict the networks will give to that conference in their news shows?

Mr. TURNER. I have—it is impossible for me to be able to predict that. But every one of you has received a half-hour program that CNN has done that I asked them to do, researching and putting the whole situation in perspective, and you received that half-hour video cassette yesterday. CNN is already running major stories on it.

Mr. OXLEY. But from your past experience, do you think that the network news programs will downplay that conference and the effects of TV violence, or do you think that it will make it the lead story in their nightly news?

Mr. TURNER. I really don't know. I don't watch network news much.

Mr. OXLEY. Some people say that these shows are so driven by the public's fascination with violence, and that in fact, the more violence, the higher the ratings; the higher the ratings, the more advertising, the more advertising, the more money.

How do you break that cycle? If, in fact, they are right, if, in fact, the public really does have this morbid fascination with Waco disasters and the like, is it possible that we could have this come back in our face, if you will, that we may have very much misinterpreted what the public really wants, and is that a concern for you?

Mr. TURNER. Well, first of all, it is hard to speak of the public. There is a certain segment of the population that obviously has an appetite for gratuitously violent programs. And unfortunately this committee is not dealing with the most violent form of programming of all, which is the theatrical movies, like *Single White Female* and—I can't remember all the names of them, but you know what I am talking about, that are the worst of all.

And they will be running on Home Box Office and on pay per view. But they are—they are on a pay service, and we have this locking device that prevents them from coming to the home, at least they will be unavailable to young people who are the ones that parents, that parents want to avail themselves of this technology, which I am sure will be a large segment.

But you are going to take care, on over the air television, advertiser-sponsored television, you are going to take care of a lot of the violence with this rating system, because once that rating is on these programs, there are going to be a lot of advertisers that are not going to go into them, because it is too easy for the boycott groups and others to target them and punish them for punishing our society by sponsoring those rotten programs.

So that if we can get the lock box and we can get the rating system that your committee has already come up with, that is the solution that is simplest and easiest, that will take care of a great deal of the problem, and then a couple of years from now, you can revisit it if there is still too much of it, but that will go a long way towards correcting a great deal of it.

Mr. OXLEY. Well, it is obvious the technology is available now that you can do that, that indeed, you can block programming.

Do you or does anybody really need Federal legislation to provide that kind of blocking ability? Can't the industry do it now without even waiting for some type of congressional approval or mandate?

Mr. TURNER. Well, the lock box doesn't mean much unless, and the rating system, unless it is programmed, unless the system is programmed for that. I mean at one time UHF reception capability was agreed to and maybe passed by this body, and certainly the closed-captioning was something that the government helped to get put installed in the television sets.

And you certainly took very strong action against the cable television industry last year. If the broadcasters don't knuckle under as far as this violence issue is concerned, just take—give them the same kind of treatment you gave the cable industry.

You know, it is only fair and equitable.

Mr. OXLEY. They certainly had a role in the prodding the cable industry took anyway.

Mr. TURNER. That is right. They helped fry the cable industry. Maybe we can come back and pay them back a little bit.

Mr. OXLEY. Well, as you know, most of the court decisions on the First Amendment have been much more flexible, if you will, on dealing with, on the obscenity area dealing with children versus adults.

And it seems to me that we could work through some kind of a situation where at least during the prime time of children viewing—and staying on a lot firmer ground on the First Amendment—based on the accessibility of children to that kind of programming in those time slots, that we might move it to a different time slot.

Do you agree with that?

Mr. TURNER. Yes, sir.

Mr. OXLEY. OK. But your answer to my previous question was that you have to have the rating system to make the software and this programming, the blocking mechanism really effective?

Mr. TURNER. Yes.

Mr. OXLEY. Thank you.

Thank you, Mr. Chairman.

Mr. MARKEY. The gentleman's time has expired.

Just to put on the record some of the companies who have already written to the subcommittee in support of the rating system coupled with a computer chip: Viacom supports it; TCI supports it; cable networks like Arts and Entertainment have already written to us in support of it.

So there clearly is a dichotomy between the broadcasters' reaction so far and the cable industry's reaction to this.

Let me turn now and recognize the gentleman from Kansas, Mr. Slattery.

Mr. SLATTERY. Thank you, Mr. Chairman.

First let me commend you, Mr. Chairman, for helping focus the Nation's attention on this problem and drawing the attention of the entertainment industry and the business community, which both have a very important role to play in addressing this problem. So I appreciate you doing that.

We need to do more of these kind of hearings, and as far as I am concerned, we need to have a hearing where we invite in or try to entice, shall we say, those business interests in the country that are buying this violent programming through their advertising dollars, and really make them aware of what they are doing.

Because I happen to believe there are a lot of businesses in this country that probably place their advertising program through their ad agencies and have no comprehension of what they are doing. I hope that out of these hearings a lot of major businesses in this country will conclude that they are, in fact, a partner in this whole process, and they need to step up and accept the responsibility personally for how they are spending their advertising dollars.

So I think these kind of hearings hopefully move us in that direction and make people more aware of how they are spending millions of advertising dollars in this country.

Another thing that I think we have to confront in this area is that each of us, every American citizen is personally responsible for the buying choices they make. And when we buy movies and take them home and watch them on television, or we go to the theaters

and watch this craziness that is in our theaters, and when we turn on television and watch these violent programs and allow them to be heard in our living rooms, we are also partners in this nonsense.

So each and every American citizen, every parent in this country has got to start accepting their personal responsibility for what is going on in this country too. You know, oftentimes we like to sit back and blame somebody else. We point the finger all the time at somebody else. My dad used to tell me whenever I was pointing my finger at someone else, there was generally three fingers pointing back at me.

And I think that the American public ought to understand this also that they are personally responsible every time that they spend their money to buy a movie, to see a movie in the theater or allow their children to watch something in their own living rooms.

And when they are negligent by not being more involved in what is going on in their children's lives, they are also responsible for what is going on here too.

I appreciate you, Mr. Turner, coming here today. I know you are a busy man and your wife is busy and I appreciate you coming here. You are not making any money by being here today and I appreciate that. And I appreciate your straight talk too.

Because as some of my colleagues have already said, we get our ears full of nonsense around here. A lot of smoke is blown across this table.

But let me ask you something. One of the things that we really do need to do also is figure out how we can empower actors and actresses to play a role in this. There are times when I really sort of feel sorry, almost, for some of these celebrities that are really finding themselves in this situation where they become participants in the purveying of violence and just gratuitous sex on television and in our movies. And they have a choice to make.

I mean either they are going to do these crazy things and make money and become successful and achieve their career goals, or they maintain certain personal standards perhaps and don't become celebrities. I think that is a tough choice that many of them have to make. I am just curious.

Have you given any thought to how we can empower the actors and actresses and help them, encourage them to step forward and say, this is craziness. I am not going to be a part of this anymore. Is there a way that we can do this? Have you given any thought to this?

One of the things I would like to see is have some celebrities that would come out and embrace what we are trying to do and maybe publicly condemn some of this craziness that you are concerned about and I am concerned about.

But they have been deafeningly silent for the most part as we have tried to do this. I can understand. But what can we do to empower them? Have you given any thought to this?

MR. TURNER. There are so many people out there trying to get into movies and television programs and some of them are desperate. There are certain people that do say no to roles. Certain actors and actresses do say no to roles, but there are always plenty of people that will say yes because of the money involved.

I mean what about—why are we still making cigarettes in this country? Why are we still selling alcoholic beverages? Why are drugs still with us? Why are all these murders occurring?

I mean because people, a lot of people make the wrong choice. I mean God himself in the Old Testament was so disturbed with people that at the time of Noah he drowned everybody and just kept one family alive, and then a little later, did we get the message then? No. Then it was Sodom and Gomorrah, for gosh sakes.

I mean this stuff sells and that is the reason, the only way to get it out of here at the current time I think is the route that has been suggested: The rating system and the lock box. You are not going to get all the actors and actresses and directors and so forth in Hollywood and other parts of the country to quit producing these programs.

The only way that it will ever stop is if the economic base underneath them is pulled out some sort of way.

Mr. SLATTERY. Yes. I am inclined to agree with that. I would just hope that we could find a few economically secure actors and actresses that aren't hungry any longer, OK?

Mr. TURNER. You could find a few that would say that. You could get them here, but I don't think that would—that that would really accomplish very much.

Mr. SLATTERY. Let me come back to this question of—have you given any thought, or do you have any ideas, about what we can do to really empower the people in this country also to start perhaps boycotting products that are advertised on programs that are violent?

I mean what is wrong with us trying to start a grass roots effort to do something like that?

Mr. TURNER. The thing is, there is no overall rating system now, so it is left up to the individual's own personal standards whether a program is gratuitously violent or not. And there is no really organized central place.

But once—if we can get this rating system in, if we can get this rating system in, then it will be very clear which programs are and which aren't, and it will be much, much easier for the groups to do the targeting, and the advertisers will get the message.

This system we have already proposed will work if the industry can be cajoled or forced into accepting it.

Mr. SLATTERY. Thank you.

I am in favor of the rating system. I think the faster we get there, the better off we are going to be, and I am inclined to agree with you, that is the first step toward not only empowering the people to really be involved in saying, we are not going to buy these products that are advertised on these violent programs, and if you are going to be a party to that sort of purveying of this violence, we are not going to be a party in terms of buying your products, and we are not going to help you.

I think there are a lot of people in this country that are ready to take that step, and I think that you are right in suggesting that the way the change this is to change the economics of it. Take the profit out of it, so to speak, and we will turn it around.

Thank you, Mr. Chairman.

Thank you, Mr. Turner. I appreciate you being here today.

Mr. MARKEY. The gentleman's time has expired.

Just let me ask you a couple of other questions, if I could.

The reality, is it not, is that many of these violent programs are made, many of the violent movies are made, not because of the domestic market, but because of the international market? That is, that movies which are—or television programs which are based upon violence as opposed to dialogue are much more easily translatable in terms of a market overseas. As a result, and no one knows this better than you, as this global market further matures, many of these people in Hollywood or New York aren't just thinking about people at home watching their TV set, or the person even going in to see this first release of a movie in the early summer of 1993, but rather long term; how it will be marketed in Asia, in Europe, in South America. Action is clearly something that is universal, whereas the dialogue, the idiom of our country, may not translate as easily.

Is that not a problem? Aren't these people more and more global, these executives that aren't as sensitive to what the impact is upon our own country? I know that you call your news the International News, not the Foreign News, but I am talking here about the negative side of this, of this phenomenon where we suffer in many ways because of the long-term marketing objectives of these executives.

Mr. TURNER. Usually the most violent entertainment television programs, hour shows, and the most violent of the movies do the best overseas, and you are absolutely right about what you just said.

Mr. MARKEY. What about some of the phenomena that are the consequences of the violence on television? That is, you have the victim effect, that is the fear that it induces in the viewer; the bystander effect, the numbing that goes on, as you say, as you stand on the side and become less sensitive to the violence that you see in the society than you should be; the aggression effect, more violent behavior is in fact a result of people seeing it; and the copycat effect, the imitation of violence. This is what we saw recently with this Pepsi-Cola phenomenon where all of a sudden you have this epidemic of activity. They are trying to replicate what they believe is a scam that one or another person may have pulled off.

How do you feel about that in terms of its—the nexus that does exist between the violence on television and the subsequent copycat activity?

Let me ask you one question that might focus you on it. It is disturbing. I was in a movie theater a couple of weeks ago, and one of the trailers, the previews of coming attractions was on some movie about an assassination attempt in 1993 on our President by someone with the same bodyguard, Clint Eastwood, who lost President Kennedy, apparently, but who now has a second chance to save this President.

Comment upon that as a theme and what that unleashes in the society about the thoughts that could go into the minds of people which in fact give a reality to someone who may not have as solid a relationship with reality as we would hope.

Mr. TURNER. Well, you remember the person that tried to assassinate President Reagan was in love with Jody Foster and said that he was inspired by that movie, *Taxi Driver*. You are absolutely

right. You have had George Gubner in here and Peggy Charron and they are—the psychologists and psychiatrists can fill you in better on that than I can, but the correlation is—it doesn't need any further proving in my mind.

I could figure it out with my own head 20 years ago when I first got into the business, and I could see it with my own eyes. Certainly there is a lot of people that are mentally deranged, on the edge, that are greatly affected by this televised and movie violence and then later act it out.

There have been numerous, numerous instances where it has been documented.

Mr. MARKEY. One final question to you. Next Thursday, Jack Valenti, representing the movie studios, and representatives from ABC, CBS, NBC, Fox, will be sitting where you are.

What is your message to them?

Mr. TURNER. They ought to go along with this rating system. Jack Valenti went along with the rating system for motion pictures. All you are asking is the same thing for television, and the lock box to be able to keep young children from seeing the equivalent of R-rated material is exactly what we have in the movie theaters right now, supposedly, but it is not being enforced.

You ought to do a little study to see how easy it is for 13 year old kids to check out R-rated videos from the video store and how many motion picture theaters are asking for children's I.D. cards for some of these R-rated movies.

I think you will be shocked at how there is no enforcement whatsoever in that industry. But at least it is supposed to be enforced, and all you are asking is the same kind of, the same kind of industry self-regulation in television that there is in the motion picture industry. And you have a right to demand it. And Ted Turner, who is a broadcaster and a cablecaster said so.

That won't carry a whole lot of weight, but at least you have somebody in the industry on your side.

Mr. MARKEY. Thank you. Just to make this note, Jack Fields and Joe Kennedy think that we should have the advertisers before this subcommittee as well, and we will bring them in as well to have them explain their position on this phenomenon in society. I think, and Jim Slattery does as well, that everyone wants the advertisers to begin to understand the extent to which we are going to be holding them accountable.

Anyway, we thank you, Mr. Turner. You have been great and your testimony really does serve as a benchmark for us.

Thank you.

Mr. TURNER. Thank you.

Mr. MARKEY. Our last panel is one that is going to help us to understand the technology that we are going to be using in order to effectuate many of the changes that are possible in this new era.

Gary Shapiro, group vice president of the Consumer Electronics Group from the Electronic Industries Association; Mr. Joe Jackson, chairman of the board of Protelcon is here from Marina del Rey; and Bruce Davis, president of the TV Guide on Screen.

Let's begin with you, Mr. Shapiro. If you can, lay out for us the technologies that may be available for us to solve these problems.

STATEMENTS OF GARY J. SHAPIRO, GROUP VICE PRESIDENT, CONSUMER ELECTRONICS GROUP, ELECTRONIC INDUSTRIES ASSOCIATION; BRUCE DAVIS, PRESIDENT, TV GUIDE ON SCREEN; AND JOSEPH N. JACKSON, CHAIRMAN, PROTELCON

Mr. SHAPIRO. Thank you. Good morning, Mr. Chairman and members of the subcommittee. Thank you for asking for our views on violence, television program and related issues. I understand that my testimony will be put into the record so I will keep my remarks brief.

Mr. MARKEY. The prepared testimony of you, Mr. Shapiro, and all of our witnesses, will be put in the record in its entirety.

Mr. SHAPIRO. Mr. Chairman, you have presented a truly innovative proposal which takes advantage of the technical flexibility of an exciting new television service.

You and I have exchanged letters on your proposal, and I am pleased that you quickly grasped the enormous opportunity and range of information that this new service can provide consumers as early as next year.

For the uninitiated, in 1990, Congress, with your leadership and assistance, passed a law requiring all TV sets 13 inches and over, to be able to display and decode closed captioning. This information is transmitted on line 21, field 1 of the vertical blanking interval. Coincidentally, this law goes into effect next week.

The next week's product introduction has been preceded by an intensive multi-industry effort to create the most flexible, vibrant and consumer-friendly standard possible. After Congress passed this law just 3 years ago, EIA created a special committee to develop technical specifications and recommended practices that would permit timely and successful implementation of the statute.

The committee included receiver manufacturers, decoding circuitry manufacturers, broadcasters, caption providers and others. These volunteers did the work necessary for the FCC to adopt rules required by the Decoder Act. The final result is called Caption Vision. It is a standard which allows captioning to be displayed in diverse and interesting ways. We have a button campaign pointed to purchase material in stores and I think we have embraced this congressional mandate in the most positive way possible.

But the creativity of the engineering committee did not end simply by complying with the law and adding some interesting ways of presenting captioning. The committee recognized the requirement that Congress imposed that is using line 21 for captioning, presented opportunities to make additional features available to consumers.

Simply put, a TV signal is refreshed with alternating fields. The second field for the closed captioning signal can be used for other valuable purposes. Using the transmission capability of line 21, field 2, the committee created specifications for a variety of services.

These services will provide consumers who are channel grazing new options, such as identifying the name of a program, identifying how much time is left in the program, information on upcoming programs, emergency broadcast functions, automatic VCR clock setting, and I know according to you, Mr. Chairman, VCR recording

by program I.D. rather than time, which is important for taping sporting events which often go into overtime.

Together, these and other services have been called Extended Data Services or EDS. Last year we asked the FCC to open line 21, field 2 for use in transmitting EDS data, as well as second language captioning or captioning at a different reading level, provided that priority assignment be given to closed captioning.

Comments on the proposal were uniformly favorable and the commission acted in near record speed to implement the necessary rule changes. As a result, Extended Data Services will soon be a reality.

One portion of the EDS standards includes what is known as guidance information. This allows for the transmission of information on the nature of the program being viewed. It also allows for the transmission of the MPAA ratings under certain conditions. At one point in the process, a good portion of the draft's standard also included codes for language, violence and nudity, L, V, and N.

Our standards activities, however, are voluntary. They require consensus and due process. All participants must agree, and there was a lack of agreement on whether these codes should be included in the EDS standards. As a result, the draft of the standard, which was considered prior to development, did not include these codes.

Shortly before the June 10th meeting of the EIA committee considering the standard, you wrote to me and asked that we place holds on the information in the program's content. Solely in response to your request, we reserved three place holders in the standard for unspecified program content advisories.

This standard is out for ballot this week and is likely to be approved within the next 3 months, and these place holders will more than likely be part of the voluntary standard.

But even with these place holders as part of the standard, there are many practical reasons why we do not think that mandating their use in TV sets will provide the solution you are seeking. Mr. Turner notes in his written statement that this is at least a 15-year or a one-generation solution, giving the installed base of TV sets and the fact that the average TV set lasts at least 15 years.

But even if you assume away that issue, other problems can be created, especially if you tie any ratings to a complex, parental control system. We have serious problems in the electronics industry today simply with people trying to figure out how to use our products without them trying to figure out why they can't get a certain program or a certain channel. Those who want this option can buy it; it should be available, but it should not be forced on everyone.

Your proposal also presumes that parents are more technology savvy and brighter than their children. Aside from these real life issues, there is the question of congestion in the field 2 data channel. The vertical blanking interval is a very small road and a program content code will be a road hog, if it has to be transmitted continuously or very frequently.

If it is not sent frequently, a determined child may simply keep switching back and forth between two channels. If it is sent frequently, it will take precedence over a caption or over emergency broadcast services, and is it more important than all the other services that EDS can cover?

Mr. SHAPIRO. Any mandatory feature for EDS, by definition, will foreclose other options the consumer may want.

These problems combined with the concerns many have raised about rating of programs and whether or not or how you rate the news programs as well as cartoons and other programs make any receiver-based solution to the issue of violent programming impractical. In this case, as in others, technology in our view should not be used to address what is fundamentally a social problem.

I do thank you, though, for focusing on the issue and listening to our viewpoint. I am here with some of the Nation's top TV technologists, in this room, who invented EDS, and we are available to answer any of your questions.

[Testimony resumes on p. 137.]

[The prepared statement of Mr. Shapiro follows:]

PREPARED TESTIMONY OF

GARY J. SHAPIRO
GROUP VICE PRESIDENT
CONSUMER ELECTRONICS GROUP
ELECTRONIC INDUSTRIES ASSOCIATION

Mr. Chairman and members of the Subcommittee, good morning. I appreciate the invitation to appear before you today. I welcome the opportunity to participate in this Subcommittee's hearing concerning violence in television programming.

Introduction and Interest of EIA/CEG

By way of background, I would like to begin by describing the Consumer Electronics Group of the Electronic Industries Association ("EIA/CEG"). As I believe you are aware, EIA/CEG represents the consumer electronics industry, a \$40 billion industry that provides the American public with audio equipment, televisions, videocassette recorders, camcorders, compact disc players, car and home security, home office equipment, and a wide variety of other products. Our membership includes large and small companies that design, produce, import, distribute, sell, and service electronics products in the United States.

On behalf of our members, we participate in numerous FCC proceedings, involving such matters as digital audio radio, advanced television, closed-captioning, cable/consumer electronics compatibility, and a variety of other subjects. We also participate in legislative deliberations, organize trade shows, disseminate information to consumers, and establish industry standards (under the auspices of the American National Standards Institute). In all these endeavors, our mission is to promote competition

innovation, and interoperability of consumer products, thereby bringing quality, choice, and value to the consumer.

Our industry is proud of its record. We provide a steady stream of new products and new product features. The prices for our products, in inflated-adjusted dollars, decline with every passing year, even as we continue to add new features and functions. We provide jobs to tens of thousands of American citizens. We demonstrate, day in and day out, the value to consumers of a robustly competitive market. Indeed, there is no single market sector that is more intensely competitive than is the consumer electronics business.

TV Violence

You and other members of the Congress have expressed a growing frustration with the problem of violence on television. As a citizen and as a parent, I understand -- and I share -- your concern.

But as the representative of manufacturers of consumer electronics products, I am equally concerned that our industry may be expected to deliver a panacea for a situation which we did not cause and over which we have no control. Our receivers display whatever sounds and images someone else transmits.

The best means of reducing exposure to any objectionable type of programming is for those who produce, sponsor, and deliver programs to be convinced that it is not in their interest to support offensive shows. It is

my understanding that a major initiative is now underway to raise the consciousness of writers, directors, producers, and others about violent programming. That initiative owes much to the attention you and several other members of the House and the Senate have focused on this issue.

We believe this activity may yield positive results. We certainly hope so.

TV Parental Control Features

The most powerful factor in determining the nature of the programming that is transmitted is the size of the audience that different programs attract. Based on testimony delivered at a recent hearing in the Senate, I gather that the most popular television shows are not the least bit violent. If that is true, then it should be easier to persuade the program providers and the program delivery media that they should focus their energies on non-violent kinds of programming. I also understand that situation comedies are much more profitable than dramatic series. This, too, may to some extent push producers, broadcasters, etc. away from violent programming.

There is considerable truth, however, to the old cliché that variety is the spice of life. And in the 500-channel environment of tomorrow, it seems likely that some audience demand will continue for programming that many may find objectionable -- or that adults may wish to see but not permit their children to watch. How should this be managed?

Fortunately, every television set in the world incorporates two powerful parental control features: an on-off switch and a channel selector. Top-of-the-line TVs that sell for thousands of dollars, bottom-of-the-line sets that sell for astoundingly low prices, even 25-year-old TVs that are still delivering service in an attic or basement -- all of them contain these two capabilities which can be used to exclude objectionable programming from the home.

Of course, some consumers want more precise control features, especially to deal with the situation when a child is home but a parent is not. The consumer electronics industry has responded to this need by providing, on some sets, a "channel lock-out" capability. This feature allows a parent to prevent a television from tuning designated channels. One household might use this feature to block only the three or four most troublesome channels. Another might use it to prevent a child from watching anything but a few acceptable channels.

Together, on-off switches, channel selectors, and optional channel lock-out functions can provide a large measure of control over the programs that children watch, but only if parents shoulder their responsibilities. I earnestly believe that, first and foremost, it is parents that must take responsibility for limiting the TV viewing of their children. If they do not do so, children will inevitably be exposed to programs for which they are not yet ready. It is important to remember that responsible parents may have concerns about childrens' exposure not just to violent

programming but also to many other serious themes: abortion, rape, civil wars, famine, bombings, disease, and a host of other topics. This is not a responsibility that can be carried by industry or by Government.

Extended Data Service

We have exchanged correspondence with you concerning the Extended Data Service ("EDS") draft standard that has been developed by a technical subcommittee of EIA. I would like to provide additional information about this service, which I believe will be of enormous value to consumers in coming years. But I also need to share with you some reasons why neither this nor any other receiver-based feature can carry the burden of eliminating juvenile exposure to TV violence.

First, a bit of background. As you know, in 1990 Congress passed the Television Decoder Circuitry Act. This statute requires that all TV receivers above a certain size be capable of decoding and displaying closed captions transmitted on line 21, field 1, of the vertical blanking interval ("VBI"), beginning with sets manufactured or imported after June 30, 1993. In response, EIA's R-4 Committee established a Task Force, later reconstituted as the Television Data Systems Subcommittee ("TDSS"), to develop technical specifications and recommended practices that would permit prompt and successful implementation of the statute.

The TDSS consisted of receiver manufacturers and decoding circuitry manufacturers, broadcasters, caption providers, and other

interested parties. The work of that Subcommittee served as the basis for regulations adopted by the Commission in 1991 and refinements adopted in 1992. Meanwhile, in effectuating the public policy decision made by Congress, manufacturers have spent many tens of millions of dollars in design, retooling, and component costs to meet the statutory deadline, which I might add is now only a few days away.

The mandate of the Decoder Act presented formidable technical and financial challenges to the consumer electronics industry, but manufacturers applied themselves diligently to the task of successful implementation. In fact, they -- along with the other important partners in the TDSS process -- used the occasion of congressionally mandated hardware requirements to create new opportunities to make additional useful features available to consumers. They determined that the circuitry necessary to decode and display captions might be used for other valuable purposes as well.

Accordingly, the TDDS began to explore and establish specifications for what is known as the Extended Data Service. This service uses the transmission capability of line 21, field 2, to support a variety of features such as program identification, program schedules, emergency broadcast functions, and clock-setting capabilities.

Last year, EIA/CEG asked the Commission to open line 21, field 2, for use in transmitting EDS data, as well as captions and text, provided that the priority assignment continued to be for closed captioning.

Comments on the proposal were uniformly favorable, and the Commission acted in near-record speed to implement the necessary rule change.

As a result, beginning June 30, broadcasters will be free to use line 21, field 2, for captions, text, and data services, and manufacturers will be free to build products that incorporate as many, or as few, field 2 capabilities as they wish. It has been understood by all participants in the TDSS that the transmission of field 2 services, and the inclusion of the associated decoding capability in TV receivers, will be voluntary. The goal was to give both manufacturers and program providers opportunities to offer additional features, with different consequences for costs and for prices, that might appeal to different groups of consumers.

One portion of the EDS standard includes what is known as "guidance information." This allows for the transmission of information regarding the nature of the program that is being viewed. The standard also allows for transmission of the ratings assigned by the Motion Picture Association of America ("MPAA"), which MPAA has allowed to be used so long as the transmitted version of a movie is precisely the same as that which was rated by the MPAA.

At one point in the process, this portion of the draft standard also included codes for language ("L"), violence ("V"), and nudity ("N"). Under the rules of the American National Standards Institute, however, our standards activities require substantial consensus among all participants, and there was a lack of agreement on whether these codes should be

included in the EDS standard. As a result, the draft of this standard which was considered prior to balloting did not include these codes. However, in response to the letter you sent on May 21, the Subcommittee reserved three placeholders for unspecified "program content advisories."

Practical Issues

Even if there is eventual agreement that these placeholders should be assigned to carry L, V, and N codes, there are reasons why EDS may not be able to deliver a reliable solution to the problem of TV violence.

For example, there are potential problems with ease of use. It is no secret that a majority of Americans cannot program their VCRs, even though manufacturers have assiduously tried to make them easy to use. Operating a parental control feature is inherently more complex because it must be accessible to the parent, but not the child. A further complication is that children are often less intimidated by technology than are their parents. "Hacking" to defeat parental control features would surely attract creative or determined children.

Also, any capability to screen out coded programming would be worthless unless the requisite codes are transmitted by the program delivery medium. If even two or three channels on a 60 channel cable system are not coded, a parent could not safely rely on this kind of mechanism to screen out violent programming. And, of course, there are a growing variety of ways in which video programming can reach the

American home. Today, terrestrial broadcasting, cable, and pre-recorded videotapes are the primary media for the delivery of video programming to the American home, but in the near future "video dialtone," Direct Broadcast Satellites, Multichannel Multipoint Distribution Service and Local Multipoint Distribution Service all will be part of the equation. A workable system would require the coding of every program delivered on every channel by each of these media.

A further consideration is congestion in the field 2 data channel. The space available in a single line of the VBI allows for relatively low rates of data transmission (on the order of 60 characters per second per field). Captions, which have exclusive use of line 21, field 1, also have priority on line 21, field 2. This is to allow for captioning in a second language or for captioning at a different reading level than on field 1. Emergency information would also presumably need to be given a higher priority than any form of advisory code. With these constraints, there can be no assurance that the advisory code would be transmitted even once a minute. Since the receiver would display any selected channel until it received a new advisory code, a determined child might well find a way -- by switching back and forth between two channels -- to watch significant segments of violent programming even if all programs were coded and all receivers included the parental control feature.

In addition, there is the problem of the embedded base. TV receivers are durable goods; they last 15 years on the average. If all new

receivers were required to have a specific capability beginning tomorrow, it would still be two decades or more before all of the preexisting receivers would be retired from use. If a household has three TV sets and only one has a parental control feature, the child who is determined to see violent programming can easily use another set.

On top of all this are the many problems associated with administering a ratings system that parents can trust. If each program is rated, that would require rating as many programs per day as the MPAA currently does in a year. How should violence be defined? Should the same definition be applied to live shows and sporting events as to a dramatic program? Would ratings be required for promotions for other shows? Would preexisting programs -- movies and dramatic programs from the Sixties, for example -- be required to be rated? Would a consistent definition of violence be applied, or could each program provider apply its own definition? Who would assign the ratings? To what extent might ratings be used to deal with other potentially objectionable forms of programming in addition to violence? How would any of this square with the First Amendment?

As the foregoing discussion illustrates, we do not see any easy receiver-based solution to the problem of violent TV programming. Use of control codes in the EDS may be superior to another technological approach to this issue, but fundamentally this is a social problem, not a technical one. Voluntary incorporation of control codes in programming

by program providers and of control code processing capability by receiver manufacturers may be of some value, but we are doubtful that any measures in this area, voluntary or otherwise, can begin to deliver the kinds of results Congress appears to be seeking.

Needless to say, we believe that any new requirements relating to TV receiver design or features would not serve the industry or the public. We say this at a time when the industry is spending over \$130 million this year alone to comply with the existing requirement mandated by Congress. Yet Congress has not imposed any requirement on broadcasters or the cable industry to transmit captioned information. (Fortunately, broadcasters have responsibly captioned most network programming. We hope that more cable companies will step up to this responsibility as well.) To repeat a point made earlier, a receiver-based approach to violent programming (unlike a receiver-based approach to captioning) will be useless unless all programs are properly coded.

Conclusion

In short, Mr. Chairman, the electronics industry is proud of the breadth of its efforts to implement the Decoder Act successfully. We are willing and ready to develop voluntary standards, if acceptable to other parties, that would enable the inclusion of control code processing capabilities along with the other optional features made possible through the Extended Data Service. But, as I have explained, there are practical

considerations that may limit the utility of any receiver-based approach to this issue.

You and your colleagues on both sides of Capitol Hill have ensured that the creative community, programmers, and delivery media will begin to give this issue the attention it deserves. I only ask you to think carefully before formulating any specific legislative proposals addressing this complex problem.

Thank you for the opportunity to appear before you today. I will do my best to answer your questions.

Mr. MARKEY. Thank you. Mr. Davis, let's go to you, and perhaps you could put on a demonstration for us so we can understand a little bit better what these new technologies can do.

STATEMENT OF BRUCE DAVIS

Mr. DAVIS. Thank you, Mr. Chairman, and other distinguished members of the committee. TV-Guide has been the leader in giving viewers the ability to make informed choices about television viewing for 40 years. The magazine has been instrumental in the effort to focus on the issue of television violence.

In August 1992, TV-Guide issued a special report, is TV violence battering our kids? The report has been widely credited to helping draw attention here in Washington and in the television industry to the problem. This year, TV-Guide has introduced a new magazine for parents called TV-Guide's Parents' Guide to Children's Entertainment which helps them make choices about the entertainment fare for kids.

In fact, our mission at TV-Guide On Screen is to enhance the communication between program producers and marketers and their audiences. And also to provide tools to viewers to give them greater convenience, choice, and control in the use and enjoyment of television. We support the subcommittee's efforts to reduce TV violence and the exposure of children to such scenes through providing the public with greater control through the use of controls in their homes. We do not wish to take a position on the violence rating system at this time.

We agree with your conclusion that government should not assume the role of censor to address the serious problem of exposure to children of violence on television. Rather, it should encourage the tools to empower parents. We are producing such tools. The TV-Guide On Screen service has many functions, one of which is parental lock.

Our parental lock feature blocks programs rather than whole channels. This eliminates intrusion on the rights of producers whose shows are more the individual program lock in TV-Guide On Screen using the MPAA rating supplied by the Motion Picture Association. It requires password access for all programs rated R or X.

The ratings information is logged in the field in the TV-Guide database. Additional ratings designations could be logged in the same field. The user interface for parental lock can easily be modified to provide parents with options for restricting access to any number of program categories.

We intend to make the TV-Guide On Screen service, which we are demonstrating in this hearing, affordable and accessible to all television households. It can effectively support the goal of this subcommittee, to help parents to manage their children's access to depictions of violence on television.

There is no need to burden the cost of all television sets with an expensive or inflexible hardware solution. A better solution is to provide the development of new technologies that enable software solutions such as ours. We are working closely with major competitors in developing and field testing our services.

Although the initial deployment of the service is in set top converters, since TV-Guide On Screen is a software solution, it can reside in virtually any intelligent reception device, including TV sets.

In conclusion, we recommend that set manufacturers not be required to add any violence control hardware or chip. Software solutions can be implemented that are more focused, more economical, more flexible and more powerful. We encourage the subcommittee to reward the development and deployment of new technologies that enable tools like TV-Guide On Screen. We recommend you support cable industry initiatives that encourage the adoption of interactive television technologies which broaden the early market applications for software applications.

We are willing to continue to assist the subcommittee in exploring and prototyping innovative technology solutions that enable parents to make better informed viewing solutions for their families.

[The prepared statement of Mr. Davis follows:]



June 25, 1993

The Honorable Edward J. Markey
 Chairman of the U.S. House of Representatives
 Subcommittee on Telecommunications and Finance
 of the Committee on Energy and Commerce
 Rayburn House Office Building
 Washington, D.C. 20505-6119

Dear Chairman Markey:

We endorse your subcommittee's efforts to reduce the exposure of children to television violence through efforts that will give parents greater control over television programming as well as more information about available viewing options.

TV Guide On Screen does not wish to take a position on a rating system at this time. We will support whatever plan Congress deems fair for programming producers and distributors, as well as consumers. Our objective is to help program providers market to consumers while empowering viewers to make intelligent choices about what programming is appropriate for their families. We see our role as giving parents the ability to use television more effectively, including providing them with a mechanism for limiting access by children.

We agree with your conclusion that government should not be the conscience of the American people or assume the role of censor. Instead, we believe that technology can empower TV audiences -- especially parents -- to choose the programming that is right for them and their children. An effective system of self-regulation can be created with new tools that make use of advanced software technology.

The cable industry is a leader in developing and deploying the technologies required to implement flexible and effective software solutions that give viewers more control over their television viewing. TV Guide On Screen is working closely with major cable operators in developing and field testing these new tools. TV Guide On Screen's services provide an interface and navigation system that readily convey ratings and other program information to parents. These services also give parents the means to use this information to protect their children from programming they feel is unsuitable. We intend to make the interactive TV Guide On Screen service, which we are demonstrating before the subcommittee today, affordable and accessible to every television household.

TV Guide On Screen Congressional Testimony ...P/2

We believe it is inappropriate to incorporate hardware-based, program access control technology inside the TV set. Such a remedy would be unnecessarily over broad, inflexible and expensive. While it is technically possible to provide program control processing as part of the broadcast signal – using data carried in the vertical blanking interval – software solutions like TV Guide On Screen are both more powerful and more flexible.

Continuing changes in the nature of television and social mores require such flexibility in addressing the issue of television violence. The right of free expression must be balanced with the need to protect children from scenes of violence. The solution lies in empowering viewers – a task that is at the heart of our company's mission. We are seeking to improve communication between programmers and their audiences while providing parents with better control over viewing access. This necessitates a tightly focused solution that replaces the traditional channel-by-channel parental lock in favor of restricting access on a program-by-program basis.

Our software solutions initially will reside in set-top converters. We are implementing our software in set top converters because they are the first platform with the computer processing power to enable such built-in tools. However, since TV Guide On Screen is a software solution, it can reside in virtually any intelligent TV reception device, including television sets.

As government rules continue to evolve regarding what programming and data services can be offered as enhancements to set-top converters or included as part of the converter operating system, we hope that Congress will give guidance to the FCC that encourages the development of new tools, such as TV Guide On Screen.

TV Guide has been a leader in giving all viewers the ability to make informed choices about television viewing. The magazine has been instrumental in the effort to focus public attention on the issue of television violence. In August of 1992, TV Guide issued a special report, "Is TV Violence Battering Our Kids?" The report has been widely credited with helping to draw attention, both here in Washington and within the television industry, to the problem. This year, TV Guide has introduced a new magazine for parents, called "TV Guide's Parents' Guide to Children's Entertainment," which helps parents make informed choices about the entertainment fare available to kids. TV Guide supports the efforts that enable parents to make better informed viewing decisions for their families.

MORE

TV Guide On Screen Congressional Testimony ...P/3

In conclusion, we offer the following recommendations:

1. We recommend that the committee not require that set manufacturers add a "violence control chip." Software solutions can be implemented that are more economical, flexible and powerful.
2. We encourage the subcommittee to reward the development of new technologies that enable tools like TV Guide On Screen.
3. We urge your support for industry initiatives encouraging the adoption of interoperable television technologies.

We will continue to assist the subcommittee in exploring and prototyping innovative technology solutions that enable parents to make better informed viewing decisions for their families. We are eager to work with the subcommittee in trying to achieve your aims. We are also prepared to work with other ad hoc committees or organizations that are exploring the possibility of creating an effective rating system.

Thank you for the opportunity to appear and participate at this hearing.

Sincerely,

Bruce Davis
President, TV Guide On Screen

Mr. DAVIS. Now I would like to take a few minutes, Chairman Markey, and show you how the system works, assuming that my mike can reach this far.

Mr. MARKEY. Can we turn down some of those lights in the back?

Mr. DAVIS. Is there some way in which I can move the microphone, or shall I—I am too far away for the infrared of my remote to reach the television.

Mr. MARKEY. Why don't you take the microphone if you can. Somebody can move the microphone with you.

Mr. DAVIS. The software has three modes. It is intended to be usable by people with no technological sophistication. There was some concern expressed earlier about people not being able to understand how to implement this control feature.

The first feature, when you flip the channel now, that comes up, it tells you what is on when it starts and ends, and automatically times out. That is just like changing the channel on your ordinary remote.

There is a second mode on when we started the presentation called browse. Browse let's you surf through the channels while you are still watching the weather and allows you to see what is on other channels in other time periods. We can include information here that advises parents as to the nature of the programming if that seemed appropriate. But we do have a full screen mode as well which has many features, one of which is parental lock. I will show you how that is implemented.

The parent sets a code, an access code, as he will do right now with four digits. Once the code has been entered, all programs that are rated R or X are blocked from viewing. We will go now back up to home theater, see if we can find a movie, perhaps Amityville Horror, which is an R rated movie. We see it is on at 11:00 today. We are now attempting to purchase the program.

We place our order, and up comes the screen saying, you can't order this movie unless you have provided the access code. Now, this implementation here, I won't go on and try to order the film, because it wouldn't allow me to do that, it would just continue to tell me I needed the access code. If I was in the flip or browse mode, that is, I was changing channels and I came to an inappropriately rated program, it would block access to that program.

The current implementation of software use is only the theatrical release ratings system. Thus I can't demonstrate for you today's programs in the ordinary television environment being blocked by this.

If I were to buy this program, turn it on, watch it, change the channel, leave the room, and my children turned back to the channel, it would be blocked as well. So there is no opportunity for incidental access by the children to any inappropriate programming.

Now, if we go back for a moment to the parental access screen, here we have a lot of blank space on the bottom screen, you notice, because we have chosen in this early implementation to simply block everything R or worse in terms of violence or sex. We can simply put what is called in the business "radio buttons" on this screen, that provided for very flexible blocking of all kinds of programs with all kinds of ratings.

That is part of our long-term mission. We want to provide people with greater control over the use of television in their homes so they could block based on ratings or other characteristics of programs or on spending or any other dimension of control that we would like to exercise over the use of children's television.

Are there any questions about the demonstration?

Mr. SLATTERY. Mr. Chairman, tell me how you would lock this up again and unlock it.

Mr. DAVIS. I need to end my code here.

Mr. SLATTERY. Is it a code you can change constantly, every time you lock it, you can set a different code?

Mr. DAVIS. I will do it right now. I just toggle down on my remote to clear, press the enter key, and my code becomes clear. Then I go back up to enter another code in it.

Mr. SLATTERY. How many different codes do you have?

Mr. DAVIS. The codes are completely arbitrary. I can put as many codes as I want and change them however often I want.

Mr. SLATTERY. Can you block it out by code on an individual basis for each program, is that what you are telling me?

Mr. DAVIS. Right.

Mr. SLATTERY. How difficult would it be for a child to get the remote control and figure out what your code was?

Mr. DAVIS. Statistically speaking, very difficult. We have a four-number code. We could have a 25-digit code if we wanted to.

Mr. SLATTERY. So you punch one in, and it would be a numerical code?

Mr. DAVIS. I will punch in 1234, that is my code. Unless the child knows that is my code, they can't get access to any R rated program. It is simply going to the clear key, pressing enter, and it is done. Now all the programs are open again. Very simple access.

Mr. SLATTERY. You could block all programming, then, that was like R rated or V rated, whatever the rating system would define; is that correct?

Mr. DAVIS. Right. This is our basic service, we are trying to make it uncomplicated. We could make it more complicated if it was appropriate to do so.

Mr. SLATTERY. So you could program your television to block all programming that was, say, V, permanently; is that correct?

Mr. DAVIS. Yes, sir. That is correct.

Mr. SLATTERY. Thank you, Mr. Chairman.

Mr. MARKEY. The gentleman from Texas.

Mr. FIELDS. Mr. Davis, what can you block today?

Mr. DAVIS. We can block anything that has some kind of code associated with it. This is a software solution. It is one of the reasons that I am advocating to the subcommittee that you use a carrot instead of a stick, because software companies like ourselves are going to develop very flexible, powerful, economic solutions like this, as long as the technology is there to enable the market to deploy.

Thus, this interface you see here is quite easily redesigned to accommodate changes in the social mores or market programming or the laws that govern television.

Mr. FIELDS. Are some movies today already coded?

Mr. DAVIS. We use the Motion Picture Association codes in our database. We provide them in the magazine and we also provide them in our software. Let me take you back up for a moment and take you over to the movie section and show you, as we look at Amityville Horror, we want to get some additional information on it, you see that now we have got the cast, we have got a description of the movie, and there is an R rating. So there is a field in the database.

Mr. FIELDS. Just to show you my ignorance, when the film runs, there is already a code built in to the film that is shown on TV so that your software package can pick up that code today?

Mr. DAVIS. No, I haven't done a reasonable job, I think, of describing where our information comes from. TV-Guide's editorial staff creates a very large database. It has over 300,000 programs described in it. One of the fields in the database that the editors fill in is the ratings, when available, and they take the ratings as provided by the film industry and put them into the database.

Mr. MARKEY. If I may, so what you do right now is, you take the Motion Picture Association ratings that are already created for every movie that runs in the theaters, you then put it into your program so that, whether it be R or G or whatever, the rating is already in there, and you can program it in.

Mr. DAVIS. That is right.

Mr. MARKEY. And once you press your code and you say you don't want any R on your screen, then it just wipes all the R's out; is that correct?

Mr. DAVIS. It prevents access.

Mr. MARKEY. But it is still open for a child to watch all of the PG-13's or whatever that were not blocked out.

Mr. DAVIS. That is right.

Mr. MARKEY. And if you wanted to, and a ratings system for violence with V's was constructed, you could program the set to have all of the V's just identified on your software, and then by pushing the code, making it impossible for a child to pull up a V rated program; is that correct?

Mr. DAVIS. That is correct.

Mr. MARKEY. I just wanted to make that clear.

Mr. SLATTERY. I drifted there for a second. I want to make sure I understand this. But today you don't have a capability to do that because you lack the ratings system, or do you have the capability based on the other ratings system that is available through the motion picture industry.

Mr. DAVIS. The space is available for any ratings information that the program producers want to provide. And so if we were provided with violence information today, we could structure this quite easily to allow parents to block any violent programming.

Mr. SLATTERY. But that would be for movies; is that correct?

Mr. DAVIS. For any programming.

Mr. SLATTERY. And you have that ability today?

Mr. DAVIS. Yes. This is a program-by-program access control. It is not limited to movies. It is not limited to channels. It is something that we can do with respect to every single program.

Mr. MARKEY. If I could just make one more point. If TV-Guide today wanted to give a V rating to every program themselves, as

a private sector company, they could program that into the software as well, and not be dependent upon the Motion Picture Association or the broadcasters or anyone else. TV-Guide could create software which gave ratings which parents could then use to block out the violent rated programming. Is that not correct?

Mr. DAVIS. That is correct.

Mr. FIELDS. If I could, what does it do to software development if we mandate a chip?

Mr. DAVIS. I think——

Mr. FIELDS. Does it work in concert or does it act as a disincentive for the development of this type of software package?

Mr. DAVIS. It is a disincentive, Mr. Fields. It would be redundant, and so there would be cost incurred by consumers purchasing televisions to support that technology, and most of the televisions wouldn't use it because in fact, in the cable environment, we wouldn't use that technology. We would use the cable converter technology, which is more robust.

Mr. FIELDS. If you have a chip, you have a one-time cost, some cost that is going to be added to the purchase of television sets, which as I understand in all probability will be minimal. What is the cost of your service, number one; and number two, Mr. Shapiro talked just a moment ago about our children being more technological than parents, and I would agree with that.

What is the likelihood that a younger person could somehow violent what you have done through hacking and break the code?

Mr. DAVIS. If I can start with your first question——

Mr. FIELDS. Since we have had hackers recently here telling us about their capabilities.

Mr. DAVIS. I come from the computer industry, so I know of their skills. The first question about putting a chip in, the chip that you put in, if it had minimal cost, would have minimal capacity. If you reflect for a moment on the enormous changes that have occurred in the last several years regarding television technology, I think you can see the danger of imposing that kind of requirement on television set manufacturers. I think it would be obsolete before it was useful, frankly.

As far as the incremental cost of enabling our software—our software works with off-the-shelf technology being placed on the market later this year and early next year by the cable converter manufacturers. That technology enables interactive software applications. This is one species of software.

So we don't need any special technology to drive our guide. We need technology that drives interactive television and drives new services for television. This is one of those new services.

Mr. MARKEY. If I may, just to once again clarify, you are talking right now about people who subscribe to cable television. You are not talking about people who just have stand-alone television sets right now; is that correct?

Mr. DAVIS. That is right.

Mr. MARKEY. Just so we understand what this particular demonstration is all about: for a family that subscribes to cable, which represents 60 percent of the population in the country, this is a kind of technology which could be effective. But unless we build a similar capacity into every television set, not a converter box nec-

essarily, but into every television set itself, then the people in the bottom 40 percentile of socioeconomic spectrum who do not subscribe cable largely because they can't afford it, won't have the same power to block out that violent program.

So this is one part of a potential solution, but not in and of itself sufficient to deal with the totality of the problem. The television set will have to have that capacity built in for those families who do not subscribe to cable because they either don't want their children to see it or because they cannot afford it.

Is that accurate, sir?

Mr. DAVIS. I would differ a bit, Mr. Chairman. There is an enormous amount of interest by the communications and computer industries in facilitating the growth of the television industry through new technologies, so it appears there are going to be many technologies put into televisions, on televisions, and by televisions which would enable software applications like this.

So I don't feel this is limited to the cable industry. It is being implemented first in the cable industry because the cable industry has taken the lead in developing the technologies necessary to deploy it.

Mr. SLATTERY. What is the cost of the software you are talking about?

Mr. DAVIS. We haven't established a cost yet, actually. We have been reflecting on the rules promulgated a few weeks ago regarding cable programming and trying to determine what impact it may have on our service, because we are not sure. But we would like to make it as economical as possible.

Mr. SLATTERY. Can you give me a range, is it \$10 per set or \$100 per set?

Mr. DAVIS. There would probably be some sort of mini pay notion, some sort of nominal charge affordable by all television viewers.

Mr. MARKEY. Let's hear from our final witness, because I think that can help us to see the range of solutions which are out there. We will go to Mr. Jackson. Thank you, Mr. Davis, very much.

Mr. Jackson gives us the final part of the solution that might work for those who own stand-alone television sets, and who might want to purchase a device that would work for just a television set unattached to a cable system.

Welcome, Mr. Jackson. You are here as chairman of the board of Protelcon, here from Marina del Rey, California. We welcome you, sir. Whenever you are ready, please begin. Maybe you can carry your microphone with you if you want to move over to your demonstration.

STATEMENT OF JOSEPH N. JACKSON

Mr. JACKSON. Thank you, Mr. Chairman. My name is Joseph Jackson. I am a retired Army noncommissioned officer from the U.S. Army, the chairman of the Board of Protelcon, Inc., and the inventor of and patent holder on a parental control system.

It is an honor to be invited to testify before your subcommittee on the subject of TV violence, technology and parental empowerment. We are grateful to the committee for the opportunity to express our ideas and inform the members of the tech-

nology we possess which will, in fact, empower concerned parents with the tools necessary to exercise their responsibility over the television viewing content and habits of their impressionable age children.

We also wish to express our thanks to the subcommittee staff for their most capable assistance and advice.

As our attachments to this testimony will show, the problem of violent and objectionable television programming and its effect on our children has plagued our society for many years. The conflict of opinion between various groups on the issues of freedom of expression, First Amendment rights, individual responsibility, censorship and scientific argument over direct causal relationship between television exposure and subsequent deviate behavior has brought us to this point of seeking a solution.

Protelcon is here today to inform and educate the committee as to the solution we have developed and to advise on its integration into a program of parental empowerment.

When Mr. Turner was testifying before the committee in 1981, I had already received the second patent for a programmable television receiver controllers. In a word, what this did was allow one to simply take the TV-Guide once a week and program in the day, the time, and the channel, and then the set would automatically per time turn itself on and off and change channels.

During the time I was developing this system, there was a controversy about an incident that happened in Miami, Florida, where a young man by the name of Ronnie Grabora had witnessed an act a couple of weeks before in a movie called Born Innocent featuring Linda Blair where he witnessed this act of a girl in a reform school and then committed the same act a couple of weeks later. There was quite a bit of controversy concerning that.

At the time I was developing it, I said, why not include a locking system that puts the discretion at the parental level? Mom or any other concerned parent would simply take the TV-Guide once a week and program out or program in what she wants the children to see, lock the system, and let time take care of turning it on or off and changing the channels.

So this is where the idea of programmable technology and the parental control originated. I have an article that was run in The Los Angeles Times. It says, off TV, a new device for parents. When I first started working on the idea, Jet Magazine did a story on "GI Invents Device to Prohibit Television Violence." Another one says, "Hawthorn Man Tries to Market Device."

My problem was trying to find assistance in getting this concept integrated into the television, the VCR's and cable boxes. At the time of the Reagan administration, I was involved with the Minority Business Development Assistance Program. The Secretary cut out a program I was involved in so I could not go any further with the concept. But I do have the two patents that covers the technology that you see here depicted on our display here.

My concept could be integrated——

Mr. MARKEY. If you could, why don't you try to lift up that microphone and carry it with you over there, Mr. Jackson. Both microphones, if you can. I apologize for the complexity of your task there, but the closer you get, the better off I think we will all be.

Mr. JACKSON. OK. It is rather simple. As you can see, the TV screen over there, everything that is colored simply means something. Block means block. If I looked at that screen, I would know that on Saturday in the afternoon—I mean, in the evening, at 8 p.m., Channel 17 is blocked.

When you look at the TV-Guide, there are 24 hours a day, obviously, 48 half hours a day, and 336 half hours in a week. So I might want to lock out many programs on many different channels to avoid the children from seeing those programs. With my system, she has total control and flexibility over what is shown or, in the alternative, if she decides to let the children see certain programs, she has the alternative for doing that. But this is what I consider a foolproof programmable system.

My technology can be licensed to be embodied in TV sets, VCR's, and cable boxes, any unit that has a cable could embody this technology. It is a very simple prompting screen. It is not difficult to program, such as the old VCR, you had a very difficult time programming it, because it prompts you right along, you program it, block it, and that is it.

[The prepared statement of Mr. Jackson follows:]

STATEMENT OF JOSEPH N. JACKSON, CHAIRMAN OF THE BOARD, PROTELCON

My name is Joseph Jackson. I am a retired non commissioned officer from the US Army, the Chairman of The Board of Protelcon, Inc. and the inventor of and patent holder on, a parental control system.

It is an honor to be invited to testify before your subcommittee on the subject of TV Violence: Technology and Parental Empowerment. We are grateful to the committee for the opportunity to express our ideas and inform the members of the technology we possess which will, in fact, empower concerned parents with the tools necessary to exercise their responsibility over the television viewing content and habits of their impressionable age children.

We also wish to express our thanks to the subcommittee's staff for their most capable assistance and advice.

As our attachments to this testimony show, the problem of violent and objectionable television programming and its effect on our children has plagued our society for a many years. The conflict of opinion between various groups on the issues of freedom of expression, First Amendment rights, individual responsibility, censorship and the scientific argument over direct causal relationship between television exposure and subsequent deviate behavior has brought us to this point of seeking a solution.

Protelcon is here today to inform and educate the committee as to

the solution we have developed and advise on its integration into a program of parental empowerment.

Protelcon's TeleCommander uses a programmable electronic chip that can also be installed into television receivers video cassette recorders, and cable tv boxes. All uses of this device are for the purpose of discretionary viewing and parental control.

The TeleCommander is the culmination of my 17 years effort on providing a means of controlling television content. Conceived in 1976 as a solution to the common problem of forgetting to tune in a program you had wanted to watch, I developed and patented, US Patents #4,081,754 Mar 1978 and #4,228,543 Oct 1980 (abstracts attached), a simple means of programing automatic on/off and channel changing and blocking functions for any television signal receiver or controller. This original chip design has evolved into a system where for the first time since the invention of television, direct electronic control over the television viewing habits of our children is attainable. The system incorporates a locking device so that only the parent or guardian can alter or cancel the programmed instructions.

The TeleCommander will allow a concerned parent or guardian to take a weekly television schedule, sit down with the children and program in desirable programs or block out undesirable programs for a day, week or longer. It is our opinion that an industry developed

parental guidance system be included in the television schedule. A "Statement of Content" or "Rating" would assist the parent in determining which programing, they feel, may or may not be suitable for their childrens' viewing. This puts the decision in the hands of the parent. They will no longer worry about what their child is watching. There need be no more confrontations over the "kids" viewing habits when mom and or dad is not around. A pro-active role can now be taken in eliminating all programming deemed detrimental to their child's development.

The key to helping all parents make use of parental control technology will be the availability and simplicity of the system. An understandable "Statement of Content" or "Rating" coupled with available technology residing in all TV tuners (TV, VCR, Cable Box, Direct Broadcast TV Box, etc.) will insure the broadest access by concerned parents. Recognizing the value to society in providing this broad access, original equipment manufacturere should offer the parental control technology in all new equipment containing TV tuners. The shortest path to this result, however, would be to mandate the technology's inclusion.

The TeleCommander chip set can be programmed to perform the following functions:

1. Block out a specific program
2. Block out a complete channel

3. Block out some or all channels over a specific time
4. Fix the total time a television can be used for any purpose

This "block out" may be programmed as a one time event, such as a particular movie, or be repetitive, as in a weekly series that a parent feels is inappropriate.

The the following describes the TeleCommander chip set when it is contained in a separate, stand-alone television accessory designed to give the user control of the time, channel and duration functions, set the total time to be allotted for use, and to control what programs may or may not be viewed on the television in real time. This accessory is coupled with a "smart" remote control unit whose functions are controlled by programmed instructions input by the user.

In its essence, the Telecommander gives parents or other responsible individuals remote programmable control of parameters such as total viewing time to be allowed for TV, example, allowing your children a total of 15 hours of television use per week, block out a specific program such as Friday the 13th, if this were deemed too violent or frightening for the child's viewing, block out a specific channel such as the Playboy Channel, Playboy is for adult viewing only, and block out specific time frames like 4:00 PM to 6:00 PM Monday thru Thursday, if you choose this as a time set aside for homework after school.

The device is installed between the incoming external video signal and the TV receiver's terminal. The AC power plug of the TV receiver is plugged into the AC receptacle of the TeleCommander. The device comprises a means for locking the TV's AC plug into the AC receptacle of the TeleCommander so that it cannot be unplugged by anyone except the person containing the means for unlocking the receptacle.

After proper installation the TeleCommander can be remotely programmed in real time to automatically turn on and off, show the desired programs, block out whole time frames and/or block out specific programs in a virtually unlimited time frame as per the examples above. Total television time will be controlled by entering into the system the number of hours per week you want the television to be used. Block-outs of specific programs will be accomplished by entering the day, time of day, and the channel of the program to be blocked. A given channel may be blocked by simply entering that channel into the system. All channels may be "blocked-out" over any time frame by entering the desired time frame into memory.

Character generating technology will allow these functions to be executed via a grid system displayed on the television screen. A cursor is guided around the grid highlighting any time and channel combination the user desires. An example of the steps required, using our remote control, to block out a Saturday program which is

scheduled for the 8:30PM to 9:00PM time slot on channel 20 follows

1. Press Power button
2. Press Program button
3. Press Day button until desired day (Saturday) is hi-lighted
4. Press Right Cursor button until desired time is hi-lighted
5. Press Down Cursor button until desired channel is hi-lighted
6. Press the Block button

I wish to thank Congressman Markey and the committee for this opportunity. I will be happy to answer any questions.

Mr. MARKEY. If you could move back over to your seat, Mr. Jackson, and I will recognize the gentleman from Kansas, Mr. Slattery, if he has any questions he would like to ask.

Mr. SLATTERY. You made it clear that this was for VCR, cable, broadcast TV?

Mr. JACKSON. It doesn't matter. As long as the unit has a tuner. It is tied into the TV set. As long as it has a tuner, it works with cable boxes, VCR's and TV.

Mr. SLATTERY. What is the cost of your equipment?

Mr. JACKSON. We could license our technology to manufacturers to be embedded into a TV set for less than \$10.

Mr. SLATTERY. Per set?

Mr. JACKSON. Per set. Obviously, if we built a cable box, and this is what we are working on now, to market it would cost more than that. It would be comparable to the cost of a cable box now.

Mr. SLATTERY. And what is that?

Mr. JACKSON. \$119.

Mr. SLATTERY. Thank you. I appreciate you all coming here today, too, and teaching us about this technology that is available and giving us your ideas. Thank you for coming.

Mr. MARKEY. I echo the sentiments of the gentleman from Kansas. Thank you each very much.

So the technology is here. The capacity to empower parents, to empower families, to allow themselves to be their own programmers, is here today. A ratings system clearly has to be developed in order for the power to be useful. And the technology has to be disseminated so that parents could then act.

Would any of you wish to very succinctly make a summary statement with regard to the difficulty of providing this for a cable subscriber as opposed to a pure broadcast stand-alone television set not attached a cable system.

How much time would it take to put this into effect, in your opinion, if there was a rating system that would make it possible for the parents then to act.

Mr. Jackson?

Mr. JACKSON. If I may, Mr. Chairman, the ratings system is a very, very good idea, and with the ratings system written into the TV-Guide or the daily TV news schedule in the newspaper, mom could simply see that and then judging from what she sees in the newspaper, program my system.

I would think that 3 months, within 90 days, our technology could be available to be implemented into original equipment. So I would say within 90 days we could be ready for that.

Mr. MARKEY. Here is the problem that I have, to some extent, in translating what we are talking about into something which is intelligible for families across the country. Because there is nothing more terrifying to Americans than that 12 that keeps buzzing on the VCR. It is embarrassing for people to ask their 12-year-olds to come over and program it for them. There is a willful lack of willingness on the part of parents to learn how to use the VCR. They are not going to do it. They will be totally dependent on their 12-year-olds to do it.

So clearly the technology has to be suitable for dummies. It has to be highly attractive to idiots who will be willing to pick up this

technology and just push one button and all of a sudden be able to program the television set, because our experience with VCR's over the last 10 years is that most people just won't learn how to do it.

Can you, on a scale of 10, if a VCR is a 10 on a scale of complexity to figure out how to use, what is the scale difficulty to figure out how to use your technology?

Mr. JACKSON. I would say 1, because it prompts you right along through the menu, three or four things you have to do, and that is it. So it is not difficult at all as compared to the VCR.

Mr. MARKEY. Mr. Davis, how about your technology?

Let me yield to the gentleman from Kansas.

Mr. SLATTERY. I was just going to observe that, Mr. Chairman, you like me probably would never be able to figure this out.

Mr. MARKEY. This is for the technologically illiterate. We will put it in more euphemistic terms than I used before. The revolution has to clearly be driven by simplicity.

Mr. Davis, how simple is your system to use?

Mr. DAVIS. I have set a goal for our company which is to do better than the computer industry and the video game industries have done with their interface, because they have only reached a minority of the households in America. We have to produce software that facilitates access to television, not that makes it more difficult to access television. So we can't afford to have anyone, regardless of their level of education or sophistication, turn the television off because we are in the way. We take that mission very seriously.

We think we are going to provide software that everyone will be able to use. In fact, I think one of the virtues of going with the broad scale enabling technologies over all the dedicated solutions is that you see we have got color in there, we think a lot about interface design, we try to make it entertaining as well as useful so that we can draw people in.

We also believe during the next several years that the American public needs to be educated about tools, it will help them to use television of the future. So we try to have a graduated scale that teaches some of the skills of tomorrow in a context where the skills of today will allow access.

I hope you feel we have done that with what we have demonstrated today. I would be happy after the hearing closes to allow you to try it yourselves.

Mr. MARKEY. I think Mr. Slattery and I feel that this technology may be something that we could master. I did feel, and speaking for all who are similarly situated, that there is some hope here that we are making the technological breakthrough needed in order to make it attractive for families to use this kind of a technology.

Let me go back to you, Mr. Shapiro, if I could, briefly. Back in 1990 this subcommittee was having hearings on the Television Decoder Circuitry Act. This was an act, by the way, which dealt with the difficulty that individuals who are deaf or hard of hearing had in watching the same television programs as the rest of their family, and there are 24 million Americans in our country who are deaf or hard of hearing, a very large number. This subcommittee in 1990 was contemplating mandating that every television set sold in America as of June 30th of this year would have to have in it a

computer chip that would make it possible for closed-captioning to go across the bottom of the screen.

Now, back during our hearings in 1990, we were told that it would cost \$25 to \$30 per television set in order to build in this capacity to make it possible for these 24 million Americans to sit in the same living room as those who can hear and to watch and enjoy the same television programs.

Now we wind up in 1993 with most of the companies who are making television sets now advertising the wonderful revolution of the closed-caption technology which is now available for all families in America. And rather than costing \$25, it costs \$5 or in many instances, in terms of just the capacity built in for the definition and hard of hearing, under \$1 for those families, because there is so much additional power which has been built into this chip which is going into all sets across the country.

So the question I have for you, Mr. Shapiro, and again, we can get technical, is that the line which is used on the television screen, when a consumer at home would press a button and up would come the information on the screen, is called the vertical blanking line. Maybe we can come up with a new name for that line so that families would feel more comfortable in using it.

But the vertical blanking line then gives the consumer an ability to push the button for closed-captioning and all of a sudden the words are coming across the screen. You can sit there with the person in your family who is deaf with the other family members all watching the very same program. This is a wonderful innovation and something that reflects the fact that in our modern era, the television is the modern American hearth where the family gathers each evening.

But with this innovation, everyone in the family can participate. Now, interestingly, the proposal which we are talking about here today does not involve a new chip, but it would simply be using the existing closed-captioning chip which this subcommittee mandated be built into every television set back in 1990. The space remaining on that chip, on that vertical blanking line, can be used to create a violence rated program that will allow for parental control of the television programs which the children are watching.

And it would be part of an extended data service that could be offered. So, to get past vertical blanking line, to get past extended data services, to put it in English, in other words, as the gentlemen from Kansas and Oregon were saying, what we are talking about is using a power that is already being built into most television sets being sold in America. We can mandate that or voluntarily have a line or several lines to be set aside so that these categories can be created for parents to use, and they can then use the ratings system and the remote control to block out the program.

Is that an accurate summary in layman's terms with some flexible grading, Mr. Shapiro?

Mr. SHAPIRO. I would say much of it is very accurate. I am not going to stand here before you and tell you that this is something which would cost the TV set industry a lot of money. In fact it won't, because of the investment that you talked about earlier, the closed-captioning is costing about \$130 million a year to the TV set industry and to the American public, and I think we have managed

to turn that problem on into a problem on aid, if you will, in that we did not favor it at the time, you made some very reasonable changes which allowed us to go from a very short turnaround period to a 3-year period, and a flexible program that allowed to us build in options. A lot of what you heard demonstrated by my colleagues here is already being sold in 22 TV sets made by manufacturers.

Mr. MARKEY. Twenty-two different models representing millions of television sets.

Mr. SHAPIRO. Twenty-two different models. What the industry is best at is responding to consumer demand and allowing the marketplace to come up with solutions. They will have the opportunity to buy these features at very little additional price. The problem is when you add some features you often have to take away other features.

The question is what is more important to consumers is the ability to control the programming when there is only about 20 percent of the households have kids in them, or is it something else?

There are tradeoffs involved here. Another common limit is how long would this take. Again, any solution that is mandatory takes several years because of the tool-up costs. What we are most concerned about is not putting this in our TV sets, because it is certainly doable. What we are concerned about is today's violence, how is violence rated, what would it be tomorrow? Is it sexual situations, is it nudity, is it witchcraft or the occult? The TV sets go out there and they are fixed out there.

Some of these solutions are converter box solutions, I think, when Congress created the Cable Box Act, it didn't realize it was creating a cable box world, which is something consumers aren't interested in having. TV sets nowadays do all sorts of wonderful things with features built inside the TV set. As we go in drafting legislation in the future, we should focus on the fact that when consumers want a TV set, they want to plug it in, without having to hook it up to a cable box or satellite dish or anything else.

The most important point I would like to leave you with is the fact that any system you propose that is mandatory on TV manufacturers is something that obviously we are not interested in, but it is totally useless unless there is something that corresponds with it, because where there has to be some type of rating system, it doesn't do any good for anybody. We are concerned about consumer confusion where they think they are paying something and it only works on certain channels.

The broadcasters have stepped up and are captioning most of the programming. Unfortunately, the cable industry isn't. We don't now how to explain to the consumers that the cable companies aren't captioning their programs. So we are concerned that any solution be bilateral.

Mr. MARKEY. Mr. Shapiro, if I may, you stated in your testimony that you originally put in space for violence, for language, and for nudity, a V, an L, and an N. You built it in, right? Then you dropped it because the broadcasters objected. And the reality is that you were originally building it in because there was a demand for it and you knew there was a demand for it. But when the broadcasters objected, you dropped it.

So while I agree with you that there has to be some clear direction at some point, the general parameters of what it is that people are concerned about is fairly easy to determine, in my opinion. And while there may be some sub-categories that are of interest, the general categories of concern are well identified, and it was demonstrated by your inclusion originally of space for violence and language and nudity.

Mr. SHAPIRO. That is accurate. Our standards are voluntary. They require cooperation. Everything we are doing with EDS now, every consumer benefit will be meaningless if the broadcasters choose not to use it or if the cable operators choose to strip it away.

Mr. MARKEY. We will try to make sure there is synchronization of your activities with those of the broadcasters and cable industry. I think we may enjoy some success. Let me recognize David Moulton, the staff director of the subcommittee. He recently purchased a television set and brought it in today just to show what is out there and how he uses it with his two small children.

David?

Mr. MOULTON. This is a \$750 television set. I didn't know what it included when I bought parental control, to tell you the truth. It had all kinds of niches in it that I didn't know I had when I bought it. I bought it because it was 27 inches wide and gave me a good picture.

It has a computer that gives you a menu, the things that will—we will have Vanna scroll through here. Vanna, hit the menu, and you go down to setup and you hit the plus or minus there. That gives you the setup menu. Initially, you scroll—if you go to parental control, you can turn that on and off, that is the line right above what is marked. I have already put that on.

And then the parental control line is followed by the channel lock line, and by putting parental control on and then going to channel control and hitting the plus or minus there, you lock it. You can do this with each of your channels, any channels that you want. After the display goes off, you will see that a sign is left on temporarily, when it is called up, saying parental control. I think eventually that fades.

So this is the crudest form of the technology as currently included in some television sets. But it does require you to block the entire channel at once.

Mr. SLATTERY. For how much time?

Mr. MOULTON. It is blocked as long as it is locked. And with respect to how parents are supposed to deal with the possibility that their kids could find the remote and change this, there are a couple of options, one that is mentioned in the directions is to hide it. A more practical suggestion is the second option, which is you can get an alternative remote that doesn't allow you to lock and unlock. That is the one everyone would use. Then you keep the one that you could lock and unlock in a safe place.

Mr. SLATTERY. So can you get a remote that you can permanently lock?

Mr. MOULTON. Use this remote to lock it, whatever channels you want, and then you hide that one and the kids use a different remote that doesn't have the locking and unlocking features.

Mr. SLATTERY. I see.

Mr. MARKEY. So one of the reasons perhaps why we call it the vertical blanking line is that, if it was called parental control, then the kids would know who to blame. So you just call it the vertical blanking line rather than the parental control line.

But as David said, that is a crude but still phenomenal breakthrough in terms of the powers which are given to parents. What you are saying, Mr. Jackson, is you have got it at a level that—even that level I think for Mr. Slattery and I would be a little intimidated in going through and using it. You have got something infinitely more simple than that.

Mr. JACKSON. Much simpler. For example, tonight on Channel 5, there are three different time frames you may not want a child to see in. You can block out those time frames, see, and thereby leave the rest of it for them to choose. And you can do that for the entire week. So I have randomly total flexibility within the whole 7 days.

And if it is a series, you can repetitively lock it out week after week after week, or in the alternative, if you have got the housewife who watches the soaps every day Monday through Friday, why should we every half-hour reach for the remote control when she is home? It turns the set on and goes to those channels every day, then leaves her alone on Saturday and Sunday and starts again on Monday.

So we are totally flexible and random. We consider the unit based on our design a family friendly unit.

Mr. MARKEY. Let me ask each of you if you could, just give us a 1-minute summation of what it is you want us to retain as a subcommittee as we move through contemplating legislation in this area, and what you think we and others need to do in order to be most effective in empowering parents with the ability to control the programming coming into their living rooms, their kitchens, their bedrooms.

Mr. Davis, let's begin with you.

Mr. DAVIS. Thank you, Mr. Chairman.

I would represent that the committee contemplate ways in which they can reward the deployment of general purpose what we might call intelligence for the layperson in television receiving equipment. Rather than mandate a particular solution, if you provide incentives for the deployment of these new technologies, we, the software community, will provide the solutions, not only to parental control over access to violence, but to many other problems that may be remedies from time to time over the years that revolve around the use and enjoyment of television.

As far as the flexibility of the solutions that we propose, ours are completely flexible. It is quite easy to change what we do. We contemplate the downloading of software changes through satellite for changes in features in people's homes. No disks to change, none of those kinds of things.

We could encourage the committee as well to think about software solutions rather than hardware solutions. Hardware solutions tend to get embedded, and the pace and breadth of change is much too great over the course of the next decade for any of us, no matter how visionary we might be, to see where things are going.

So I implore you to leave open the possibilities for the entrepreneurs of America to create software solutions that are not going

to solve the problems but bring much greater value through television to the American public.

Mr. MARKEY. If I might just add, was it not the mandate of this subcommittee in 1990 to build in the decoder capacity a very important precondition to much of the software revolution that would be possible?

Mr. DAVIS. It appears, actually, that might be an excellent example of the point I was just making, your intention at the time was to provide one benefit. The industry responded by trying to find other benefits to filter into it to justify the cost of introducing the technology and marketing it.

So what I am suggesting is, let's make the opportunity broader by encouraging the development of platforms rather than single chips, single solutions.

Mr. MARKEY. Mr. Jackson?

Mr. JACKSON. Mr. Chairman, when the VCR was designed, our industry couldn't justify the cost of manufacturing and distributing the VCR, but the Japanese could find a way to do that, so they cornered the market. I have been working on parental control systems for like 50 years, so this is not new to me.

I still feel that with systems such as what we propose, you are putting the discretion at the parental level. You are having the parent interact with the child. I see mom sitting with the children once a week and going down a list of programs, and says, this is what I will allow, the impressionable age children, kids 3, 4 years old, in the home, this is what I will allow or not allow. Once a week.

Because in two-parent families, two working parents, there is a lot of time that the television is used as a baby-sitter. We may not like that, but that is a fact, especially in the inner city. So I think by educating the public of a rating system and having the parents sit with the child once a week and choose the programs of merit and program those programs in and then lock the system, thereby limiting access to any violent or objectionable programming, would go a long way towards solving this particular problem that the committee has undertaken to solve.

Mr. MARKEY. Thank you, Mr. Jackson. And Mr. Shapiro.

Mr. SHAPIRO. Thank you, Mr. Chairman, and Mr. Slattery. As a parent, I think it is difficult not to share your concerns, and I have to commend you for holding this set of hearings. We have repeatedly learned in the consumer electronics industry that consumers know what they want.

You mentioned the complexity of using some of our products now, and I would hope you go back into a store and see some of the marvelously simple products that manufacturers have come up with that are being sold now, many in the United States, which allow you to use a whole array of products much easier. The focus is on simplicity because complexity doesn't only turn off consumers, it causes a very expensive returns problem for both retailers and manufacturers.

Consumers know what they want and they want simplicity but they also want options. And the EDS system which is an outgrowth of the closed-captioning legislation has certainly presented a range of options for consumers. We think there is room in that system for

a whole different approach on a range of things consumers will be interested in.

We are concerned, though, that if one of them is mandated, it would foreclose others. So as you move forward in your consideration of these issues, we would urge you to give the marketplace a try at least in terms of how the hardware is presented.

At the table you have seen a number of different solutions. They are growing out there. Cable systems are also offering them. The only other thing I would ask is that we avoid reliance on a converter box world, which is the way we seem to be heading, especially with the cable act. That is not what consumers want. They have told us that.

We are working to try to get cable compatible equipment out there, but it is getting increasingly difficult as more and more converter boxings are proliferating. It makes it more difficult for the solutions we are coming up with to work in every type of system.

Mr. MARKEY. Thank you, Mr. Shapiro, very much. I thank each and every one of you for your testimony today. We clearly believe that there has to be a package of solutions which we are going to put together. The chip that we are talking about is a chip which will allow parents to chip away at the violence on the screen going into their home. And they will be able to screen it out with that chip. That is what this debate is all about.

There could be a range of technologies, but no question, I think, that we have to ensure that those technologies are out there. We want to continue to work with the manufacturers, with the innovators, with the software industry, to construct something tied to a ratings system that will work on all of these technologies that can be disseminated in a telescoped time frame, so it is not 10 years or 15 years, but 3 years to 5 years before it has penetrated the society.

We think that is doable, but we have to work closely with you. That is clearly part of what all of this is about. But the phenomenon of the sweeps period highs followed by the regret and the remorse which we continually hear then from the broadcasters and the writers and the directors is all part of a phenomenon where too many writers and producers just think show by show. They think program by program; they can't see how all of their acts, all of their shows, all of their writings in totality are brutalizing the society.

So they invoke, each of them, their mantra of the First Amendment to protect this individual show this week which they are writing, and can't quite see the forest which has been created of all of these violent programs. What you are doing, combined with the ratings system, can empower parents to get through this forest of violence and leave just what they want their families to see on their own screens.

That is ultimately what our objective is here. It is not to engage in censorship or any violation of First Amendment rights, but rather to give the First Amendment rights to parents. Parents also have the rights of privacy, which help them protect their families.

There is a tension here, and each side's rights must be protected. And you provide the answer. The technology can be developed, and we want to work in an intelligent way with you to ensure that we

don't impede the rapid development and deployment of this technology into the hands of parents across the country.

We will do it, and we are going to keep up the pressure, too. The spotlight is on and it is not going to go away until a solution is found on a permanent basis.

We thank you, and we thank the subcommittee members for their participation today.

This hearing is adjourned.

[Whereupon, at 11:45 a.m., the subcommittee was adjourned, to reconvene at the call of the Chair.]



VIOLENCE ON TELEVISION

THURSDAY, JULY 1, 1993

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
SUBCOMMITTEE ON TELECOMMUNICATIONS AND FINANCE,
Washington, DC.

The subcommittee met, pursuant to notice, at 9 a.m., in room 2123, Rayburn House Office Building, Hon. Edward J. Markey (chairman) presiding.

Mr. MARKEY. Good morning and welcome to the Subcommittee on Telecommunications and Finance.

Today is the third hearing on the subject of television violence and its impact on children. And I am pleased to say that it occurs at a time when we are finally seeing real progress on the issue of TV violence.

At the subcommittee's first hearing on May 12th, we heard from a number of research scientists regarding the growing evidence regarding a causal link between watching television violence as a child and subsequent violent behavior. Witnesses testified that by the time the average child finishes elementary school they have seen over 100,000 violent acts and 8,000 murders on television.

Americans increasingly feel that society has grown too violent, that television sometimes romanticizes such violence, and that, over time, children are desensitized to it. The use of violence and guns is perceived as cool in many schools, as if it were an effective way to be seen as successful and commanding respect. Is it any wonder that a recent Centers for Disease Control study found that 20 percent of American high school students carried a weapon at least once in the previous month?

Last week, at our second hearing, Ted Turner emphasized emphatically his endorsement of the idea of a TV rating system to alert parents to violent content in programming. Moreover he recommended that parents be empowered to exercise greater control over the viewing habits in his household through the use of existing technology to block out entire channels or individual programs. Ted Turner called upon the rest of the television industry to follow his lead and to stem the torrent of violence on television.

Along with countless parents, consumer groups, medical and psychiatric associations, he advised the subcommittee to keep the pressure on the industry because, without the spotlight of Congress illuminating the effects of excessive or gratuitous violence on television, the industry would lie low for a period of time, say all the right things, and revert to business as usual after the attention has diverted to elsewhere.

Today we will explore yesterday's announcement to include parental warnings preceding shows that are deemed violent. We will also hear from witnesses of the cable, satellite, and programming industries as to what they are doing and what they suggest to deal with this national problem.

I believe that the broadcast television and Hollywood proposal is a necessary first step in addressing the issue of violence on television. Yesterday, President Clinton also praised the networks for taking this first step.

This announcement is important because it represents the first time that the broadcast television industry has admitted that there is a link between television violence and subsequent violent behavior. It is welcomed to the extent that it signals, again, their willingness to reduce the overall level of violence on television and to provide parental advisories on shows that they consider violent for children. It acknowledges that there is a real problem and that they have a responsibility to deal with it.

Yet it is only a first step, and the hot glare of congressional attention will continue. Parents are asking for further help. Television represents the electronic heart of the American living room, and parents want the ability in their own homes to control what kind of programming arrives on television.

Parental advisories that appear when parents are absent are of little use. Yet parents work and can't be present most of the time that children watch television. The key is to put these new advisories at the service of new technology that allows parents to block violent shows even when they are not home.

In May, I proposed a two-part system to combat television violence: One, voluntary violence ratings system for television established and controlled by the industry modeled on the successful movie rating system constructed by Jack Valenti a quarter of a century ago; and, two, a requirement that television sets be capable of reading a violence rating code and allowing parents to block out programs rated as violent with the touch of a button. If programs are rated as violent and blocked out by a portion of the audience, advertisers will be less willing to support these shows.

Though we have made progress on the first part of this proposal, I will continue to push for headway on the latter part as well. At its heart, the proposal assures that the first amendment rights of television producers and programmers are protected while the rights of parents to protect their children from violent programming are equally protected.

Only by empowering parents in this twofold approach can we realistically expect to reduce the amount of violence to which children are exposed as well as the overall level of graphic and gratuitous violence on TV.

I look forward to hearing from our very distinguished panel this morning.

That concludes the Chair's opening statement. We turn to recognize the Ranking Minority Member, the gentleman from the State of Texas, Mr. Fields, for his opening statement.

Mr. FIELDS. Thank you, Mr. Chairman.

Today the subcommittee continues to focus on the problem of excessive violence on television. And I want to commend you for your

continued leadership on this important issue. And this is really the moment that the subcommittee has been waiting for because we have the chance to hear the perspective of people who are deeply involved in and responsible for the depiction of violence on television today.

And those of you who have followed the House and Senate hearings on this issue in the past several weeks are keenly aware that Congress has become increasingly vocal in its opposition to harmful television programming.

At our first hearing experts from the scientific and medical community suggested that there is a direct relationship between violent television programming and the high rates of murder, suicide, and other violent crime.

Last Friday, Ted Turner, the president and CEO of Turner Broadcasting testified that his network has felt compelled—compelled to broadcast violent programming in order to be competitive in the television industry. And clearly those are startling facts about the dominant role that violence plays in our daily lives, Mr. Chairman.

Advertisers who spent literally billions of dollars each year to advertise on this medium believe that what Americans see on their television screens will motivate them to action. "Have you driven a Ford lately?" "You deserve a break today." "Ring around the collar." We all know these slogans. We remember them because we see them every day and every night on our televisions, and we act on that knowledge. We buy Ford Tauruses. We order Big Macs. We buy Wisk Laundry Detergent.

In fact Mr. Chairman every other year, you and I spend money to buy time on television, confident that the money we spend will motivate our voters to do what we want them to do and that is to vote for us and not our opponents.

And if we believe that advertising messages can change people's behavior, how can we doubt that a daily diet of televised violence has the same effect?

And certainly the blame does not lie solely with any one industry, any one individual, any one group. Parents must exercise more control over what their children watch on television. They must bear some, if not the lion's share, of the responsibility for their children's television viewing habits. The cable industry, broadcasters, and Hollywood must work together to improve the quality of programming viewed by or available to children and adults alike. And advertisers should refuse to support programming that depicts gratuitous or excessive violence.

At prior hearings on this issue, the subcommittee examined whether the problem of television violence could best be addressed through technical developments or by a mandatory rating system for television programming.

Today we are going to hear that the self-policing efforts of the industry are adequate and that additional congressional action is not necessary. Indeed, the recent actions taken by the entertainment industry is a first step in addressing the problem of violence on television. The cable industry has commissioned a study on the rate of violence on cable programming.

And yesterday the four major networks unveiled a Voluntary Advance Parental Advisory Plan and a warning label to identify violent programs that are unsuitable for younger viewers. And I want to commend everyone for that first step.

In August, the various entertainment industries will convene a conference to discuss the problem of television violence and to examine any steps which must be taken to reduce televised violence.

Mr. Chairman, I have to say that, like you, I am encouraged by these developments. Clearly the witnesses here today have made good faith efforts to address some of the concerns raised by the members of this subcommittee.

Unfortunately, this problem is monumental, and I personally think much work remains to be done. Industry should be aware that Congress is going to be watching very closely these next few months and will hold industry accountable if it fails to live up to the promises that we are going to hear today.

And, like you, Mr. Chairman, I want to welcome our distinguished witnesses. I think you have assembled a great panel. And I look forward to learning more about the practical effects of the Advanced Parental Advisory Plan and how it differs from what the networks are doing today.

Mr. MARKEY. The gentleman's time has expired.

The Chair recognizes the gentleman from Texas, Mr. Bryant.

Mr. BRYANT. I suppose it is the thing to do today to congratulate the television industry for the first step which people keep referring to, but I personally do not believe that these executives in front of us deserve one kind word from this committee. I think they deserve condemnation for having sat on their hands for 3 years since we passed the antitrust law.

This Congress, the House of Representatives and the Senate, and the President of the United States changed the antitrust laws to let you guys have the ability to reduce the violence on television yourself, your own way, to get together to establish a code of conduct to do something that would allow you to voluntarily, without the government being involved, to get rid of violence on TV. And you did nothing. Not one thing. Nothing.

You came out with a code of conduct which, in all respects, is laughable and contemptible. And the day before this hearing, you announced that you are going to solve this problem by putting parental warnings on the air so that parents will know when there is going to be a violent program on the television.

In my view that is an insult to the intelligence of the American people; and as their trustees, those of us elected to try to become to some extent better informed, know that there is not time to become informed about the details of these issues.

All of you know that only 25 percent of the American people live in homes in which one parent is not working. 75 percent of our people work full time; both husband and wife. Hardly any family has time to sit home and read the TV Guide and figure out what's going to be on the air that night and decide what they are not going to let junior see. Nobody has time for that.

And the fact of the matter is, in most places, no parent is home when the television is on. This proposal is obviously an attempt by

this industry to stay just a step ahead of whatever kind of public pressure results in congressional action here.

Some of us here have exhibited genuine anger about this in the past; some of us have not. Now that the public is aroused, I am sure there will be more of us that will join the choir of complaints; and perhaps we will be able to keep a sustained pressure on this industry.

I think what we have seen announced yesterday is totally inadequate. I really think that the only good thing about it is that you have finally admitted—you very much remind me of the cigarette industry—you have admitted that there is a connection between violence in society and violence on TV. I appreciate the admission; but if you are going to admit it, I think it also means that we are going to have to see a serious attempt to stop putting violence on the air, not a promise that you are going to continue to put it on the air, but you are going to label it for what it is. That is hardly any progress.

Three weeks ago I happened to watch a murder out of the corner of my eye on television, and so since we had been having hearings on this I started watching the TV movie. It would be more credible if I told you that I had seen three or four murders by this one character in this show. But I didn't. I saw seven. I saw one person shoot, point blank, a person four times, throw a person over the railing and stab another in the heart. This is a character on TV in prime time a few weeks ago.

Yesterday, a good friend of mine, a middle class person, not somebody stuck off in the ghettos, a middle class person, told me of babysitting for a 3-year-old child who, when told that they were going to have to obey what the babysitter said, said I am going to call my daddy and tell him to get his gun. He is learning violence off the television.

It is time that we did something about this, Mr. Chairman. And I hope that we will persist in this. And I am tired of seeing this committee and this Congress fiddle around with these networks and be satisfied to be invited to your parties or socialize with you, be satisfied to have you come in and out of the office and be patted on the back.

This is an outrage and an national embarrassment that we have all of these killings, more than in all of Europe or in Japan. And you guys sitting at this table are as responsible for that problem as anyone in the United States, far more responsible than most.

I regret that we don't have more chairmen of the board. Mr. Murphy, I am glad that you are here. The chairman of the board of General Motors ought to be here. It ought to be on their conscience.

I regret having to show high temper to such a great degree, but we have waited too long. And I am ashamed of the fact that I was content for 10 years to only complain. It is time to tell the FCC, to say that they have the power to regulate violence on television because these characters have not done it and, in my view, have shown no indication that they are going to do it in the future.

I yield back my time.

Mr. MARKEY. The gentleman's time has expired.

The gentleman from California, Mr. Moorhead.

Mr. MOORHEAD. I, too, want to welcome the witnesses this morning, especially Mr. Littlefield and Mr. Jack Valenti, who I thought did a great job on television last night talking about this subject.

There is no question that television violence is on people's mind. In the first hearing we heard researchers say that television violence is a factor in causing aggressive behavior. Although others will argue that there are other factors that contribute to a violent society, I think there is no denying that watching things on television can be a contributing factor. It is a factor that can't be totally ignored.

At last week's hearing, we began to focus on what can be done to reduce the amount of gratuitous violence on television. While we realize that television is an entertainment medium, we must acknowledge the power of the medium. Television, through its programming and advertising, can shape attitudes and behavior on many social issues.

Indeed, we have all visited and witnessed the potential of television to enlighten and educate the American people. Along with the power of television goes enormous responsibility of those in industry to bring to its viewers examples of the best of American life. Sadly, many in the television industry have not lived up to this obligation to their fellow citizens.

Last month the Independent Television Association adopted a policy of providing parental advisories relating to the violent content of certain entertainment program material. Yesterday the broadcast networks adopted a similar plan.

Clearly, these initiatives are very positive first steps. We will continue, however, to watch for industry initiatives to reduce the amount of gratuitous violence on television. I think one thing that people are talking about. It is obvious that you need, in good programs like *Murder, She Wrote*, you need some kind of a crime.

There is a difference between showing the thing blowup in your face and realizing that the crime is taking place and maybe seeing it from some distance. And I think that is the difference in the kind of violence we had in many of the cowboy movies in the old days and other things, people didn't feel that it was happening to them at the time.

I know that one tool that has been used in many of the motion pictures in recent years, it becomes too close and too personal when it is too dramatic a thing that happens right in the child's face who may be watching or very immature adult that sometimes can act on these things.

I think the story can be told—the same story can be told with a little less explosion in the face of the viewer. I think a lot of that could be cooled down without violating the story or the entertainment value that we are presenting. I think a lot can and will be done, and I am very confident that with Jack Valenti's comments on the air last night. And I know the desires of many in the industry that I have talked to, that some of this very sharp cutting kind of violence can be dramatically contained.

And I know some people say when they show these huge numbers of violent acts that sometimes just mere pushing are rather minor things—I don't think that is what regular people out there are talking about. But there are some of these things that really

are disturbing. And I think that they can be curtailed. They will be.

I don't believe we want to be involved in censorship. I am confident that this industry can do the job themselves.

You gentlemen at table are the people that can make it work.

Thank you very much.

Mr. MARKEY. The gentleman's time has expired.

The gentleman from Illinois, Mr. Hastert.

Mr. HASTERT. I thank you, Mr. Chairman, and I congratulate you for the fine efforts that you have made in this area.

I would also like to thank our distinguished panelist for taking the time to talk with us today. I wish you a warm welcome. I think your welcome has been warming already in several different ways, but it is my hope that we can use this time to explore the problem of violence on television and to discuss actions that we can take to remedy the problem.

Unfortunately, the television program that Mr. Bryant was discussing could have been the news. What you people portray as entertainment on TV becomes reality in the streets. All you have to do is look to the newspapers or your evening news which tells the same story. Violence is running rampant through our cities, streets, neighborhoods, and even our homes. It is a devastating statement about the condition of our society when neighborhoods and co-workers turn on one another with guns and knives and other tools of destruction.

One wonders what has caused our Nation to plunge into this devastating low. In part, we must look at the influences that are shaping the minds of our children and our future.

I think that we would all agree that one of the foremost influences in America today is television. It is, perhaps, the only source of instruction that some children will ever receive in their home, and that dictates a very significant responsibility for all of us.

What children see on television is becoming increasingly graphic and violent. If this is what we are allowing to stir the minds of our Nation's youth, then we all should be concerned for our Nation's future. Our children are learning that violence is a fast and easy way to solve their problems. And what they learn today is what they will carry out in their own actions tomorrow.

As a matter of fact, what they see on television day in and day out, the hero committing two or three murders through the course of a film and then walking away with no consequences, isn't reality. It is a false reality that we create in the minds of our youth.

I am encouraged that four major networks announced yesterday their voluntary action to put a warning label on programs containing violent context. This is a step, just a step, in the right direction. But broadcasters, the industry, and we as individuals must do more to voluntarily reduce the level of violence in television programming.

Mr. Chairman, in many instances individuals are taking responsibility. Recently Barbara Alexander, an actress who lives in my district in Batavia, Illinois, visited my office. She and other actresses have stood up to advertisers and broadcasters and they have refused roles that portray woman as victims of violence. They

have personally paid an economic price for their actions, but they have taken a principled stand.

Many of the chapters of the League of Women Voters in my district support her stance. I commend their efforts.

Mr. Chairman, no one likes censorship; it is not consistent with our American tradition. But those speaking out are demanding better judgment of what will appear on television screens, and that is part of our American tradition. Violence against women, children, and the elderly is unacceptable in a civilized society. We need to teach that to our children. Seeing such violence on television sends the wrong message, and we need to have a lot less of it.

Thank you, Mr. Chairman.

Mr. MARKEY. The gentleman's time has expired.

The gentlelady from Pennsylvania, Ms. Margolies-Mezvinsky.

Ms. MARGOLIES-MEZVINSKY. Thank you, Mr. Chairman. And thank you for having the hearings. I want to thank you for having the conversation, because it is all about communication.

What bothers me is that children seem to see violence as acceptable. They seem to accept it as part of their behavior patterns. They see it as an answer and, perhaps, the first answer to solving a problem. They see it as if you think without understanding the consequences. They see it as the way to go. They see it as macho.

When I was sitting in one of these hearings, one of the other members of the panel leaned over to me and said that he had been watching, several years ago, television with his young son, 3 or 4, and they were watching a cartoon, and the cartoon character put his hand through a window and his little son got off of his lap and walked over to the window and put his hand through the window. They had to take him to the hospital. He was in very serious condition. I think that is what happens.

It is important for us to be mindful of how television does influence our lives. I think that the argument that I have heard from many of the television executives with whom I have spoken is that it is part of what we see all over. If we regulate ourselves, what about cable? What about those who won't be as conscientious as we are? I think that it is our job, at some point, to say, we are going to set a new direction; this is how it is going to be because we say this is the way it is going to be.

We should set new tones. And I think that it is very important that you, yesterday, took this first step. And I thank you for doing it. And I hope that it is just a first step.

Thank you very much, Mr. Chairman.

Mr. MARKEY. The gentlelady's time has expired.

The Chair recognizes the gentleman from Texas, Mr. Barton.

Mr. BARTON. Thank you, Mr. Chairman.

Congressman Bryant wants to meet with you all in the anteroom, and he will tell you what he really thinks in the next 10 minutes.

Actually, I approach this a little bit differently. I want to commend the chairman and the Ranking Member for working with the industry to get an agreement, at least in part, on a 2-year trial basis. I think that is a good way to go. I have a little hesitance, though, to demand—to tell anyone in the entertainment industry

exactly what they can and cannot do. So I am not quite as enthusiastic about going down this path.

Having said that, I think the studies overwhelmingly indicate that the violence in the entertainment industry does have an effect, over time, on behavior. And so I think this 2-year trial period with appropriate warning labels is a good step. Let's see how it works.

I would be interested to know what kind of warning label you are going to put on C-SPAN and some of the violence that occurs on the House Floor, whether that is harmful to our Nation's future.

But in any event, I think this is a good hearing. I am glad to see you here, especially our good friend from Texas, Mr. Valenti, who has the most conservative tie at the table.

I yield back the balance of my time.

Mr. MARKEY. The Chair recognizes the gentleman from Kansas, Mr. Slattery.

Mr. SLATTERY. Mr. Chairman, thank you for holding this hearing, and thank you for your leadership in this effort.

And certainly we would be remiss if we did not also acknowledge the leadership of our friend and former colleague, Senator Simon, who has also played a lead role in this effort.

I join my colleagues in thanking you all for being here today, and thanking you more importantly for what you did yesterday. I think that the press conference yesterday was an historic meeting. I, for one, appreciate the fact that network executives and the motion picture industry came together and at long last acknowledged that, in fact, the overwhelming body of evidence from the American Medical Association, the American Psychiatric Association, and research in general, was the kind of evidence that could not be ignored any longer.

I appreciate the fact that you accepted responsibility for what you are doing and agreed to do what you could at this time to move forward in responding to the concerns of this committee and other Members of the United States Congress.

I have to tell you that the realization and the acknowledgment that there certainly is a causal relationship between constant exposure to violence on television and in movies and acts of violence, the acknowledgment of that causal relationship—I believe, is an important and, indeed, an historic statement on the part of your industry.

And for that, I commend you. I think you have distinguished yourself from the tobacco industry by acknowledging that there is this causal relationship.

Yesterday's press conference, I think, should—and hopefully in the future will—include representatives from the cable industry and from independent stations and from first-run syndicators. Yesterday's meeting did not include all of the players. And I hope that in the future we can figure out ways to loop in the other players because we are not going to solve this problem if the cable industry is not an active participant. We are not going to solve this problem if the independent stations in this country do not assume their personal responsibility for this problem also.

And we are not going to solve it unless the first-run syndicators are a player in addressing this problem.

In addition, let me also observe that I think yesterday's press conference was a first step. No one believes it is the last step. It is only the first step in what will hopefully be a long and productive journey. I think it is also important for us to realize that each of us has a personal responsibility.

It is so easy for us in America today to point our finger at someone else, to blame someone else for our problems. And every consumer in America has a responsibility in this area. Every consumer. Every parent in America has a responsibility. And they cannot duck that responsibility. When we as parents, when we as consumers, buy the trash that is sometimes made available in the marketplace, we are, in effect, becoming an accomplice in this whole mess. And I hope that everybody in the country understands that we must assume that personal responsibility.

So, again, I am looking forward to the comments of the panelists today. I appreciate your first-step effort yesterday. I think it is very important for us to be exploring additional steps. I, for one, believe that we are going to have to move in the direction of figuring out some kind of a workable rating system. I think that we are also going to have to figure out how to make the V-chip technology workable and move in that direction.

So, Mr. Chairman, I commend you again for holding this hearing. I look forward to the comments of the panelists here today.

Mr. MARKEY. The gentleman's time has expired.

The Chair recognizes the gentleman from Ohio, Mr. Oxley.

Mr. OXLEY. Thank you, Mr. Chairman. And we have come a long way in the last few weeks based on what I have been able to see, and you deserve a great deal of credit along with Senator Simon for moving this process forward and, indeed, perhaps changing the tenor of this hearing from what was perceived to be—may be a flogging, a public flogging of our friends in the television industry, to perhaps a more constructive debate on where we go from here.

And, indeed, the announcement yesterday was a good first step and only a first step, it seems to me, in the process. It was interesting, The New York Times article that appeared today by Edmund Andrews pretty well puts it, I think, in some context that all of us perhaps should heed. The title was, "Mild Slap at TV Violence. Congress Seems Pleased at Industry Effort, Leaving a Slim Chance for Stronger Action."

"Television's four commercial broadcasters threw the smallest possible bone to their congressional critics today when they announced that they would slap warning announcements on violent programs. One step ahead of the posse, the networks announced their decision."

And that is good, but I think it is important to recognize that there is a lot more to do.

Mr. Chairman, if, indeed, the announcement yesterday slows down or precludes your efforts to provide the already existing technology where parents can take back control of their television sets, then this whole effort will be—in my estimation, will be in vain.

We really have a major responsibility, it seems to me, to follow up this warning system because, to me, the warning system, in and of itself, is simply not adequate. My constituents are saying we no longer have control of the television set because we are not there

a lot. And the sad fact of it is that parents are working outside the home and the children essentially control the TV set. This technology that we heard about last week is available, can be available, and can empower parents to take back control the TV sets.

That is going to frustrate, it seems to me, a lot of broadcasters. It is going to frustrate a lot of advertisers. But it would be the ultimate marketplace solution, as I see it, to this vexing problem.

So we have got a lot of work to do yet. I am glad to see that the industry has come around somewhat. I noticed on Nightline last night they had an in-depth analysis of violence on television. One of the rare times I have seen television actually look introspectively at itself and its problems. They are very good at looking at other institutions' problems and foibles, but rarely do we see them examining themselves.

Perhaps this is a start in the right direction and for that we can be eternally grateful. And I, again, thank the Chair.

Mr. MARKEY. The Chair recognizes the gentleman from Oklahoma, Mr. Synar.

Mr. SYNAR. Thank you, Mr. Chairman. The issue we wrestle with today is a dilemma that is as old as free speech, and it is the dilemma of whether or not we can regulate free speech that we don't like.

One side of the dilemma was articulately expressed by Supreme Court Justice Brennan when he argued that we place the responsibility and the right to weed the worthless and offensive communications from the public airways where it belongs in a public, free to choose those communications, worthy of its attention from a marketplace, unsullied by the censor's hand.

The other half of the dilemma is those that would argue that the first amendment is there to defend their right of unfettered programming should remember that our Supreme Court has upheld, consistently, that there are ways to have restrictive control on communicative materials that affect our children. I hope that the plan yesterday, introduced as a very serious effort by the broadcasters, will give our parents the type of information they need to protect their children.

Since we are here to learn something today, there are two things I am going to be focusing in on: One is the causal relationship; and if that link can be shown, do our first amendment considerations outweigh our public health considerations? Because, as one who has been a strong advocate of restriction of advertising on tobacco products, I would like to see if this applies here.

And, second, I would like to learn more about the financial situation of these types of programs; if more money is made off of these types of programs; and if that is the case, whether that would affect the decisions which are voluntary by the networks on the ratings and the types of information they are going to provide, particularly during sweeps weeks and the times when they do really need those revenues.

So I will be interested to hear from our witnesses today. And I thank the chairman and commend him for this hearing.

[The prepared statements of Mr. Synar and Mr. Hall follow:]

STATEMENT OF HON. MIKE SYNAR

We are here today to wrestle with a dilemma that is as old as free speech. The dilemma is how can we regulate the speech we don't like—in this case television violence, especially the T.V. violence aimed at children—without irretrievably harming the speech we do like, as evidenced in the many television shows that entertain, educate and expand our view of the world.

There is no question that any process of continuing governmental surveillance over broadcasting content presents truly grave dangers. Former Supreme Court Justice Brennan argued vehemently that he would, "place the responsibility and the right to weed worthless and offensive communications from the public airways where it belongs...in a public free to choose those communications worthy of its attention from a marketplace unsullied by the censor's hand." Justice Brennan's fears—that censorship of the public airwaves is an attempt by society's dominant culture to force its values on the minority—are as valid today as they were when he first expressed them and we in Congress, who have sworn to uphold the Constitution, must always be mindful of the dictates of the First Amendment's right to free speech.

That said, the other half of our dilemma raises its head. As Chairman Markey has often stated, parents have rights too. They have the right to protect their children from the torrent of violence contained in both adult and children's television programs. Those who would use the First Amendment to defend their right to unfettered programming should remember that the Supreme Court has upheld restrictive controls on the communicative materials available to youths. The Court has approved First Amendment restrictions to protect children from harmful broadcasts by reasoning that minors do not have the full capacity for individual choice, which is the presupposition of First Amendment guarantees. Perhaps more importantly, the Court has also found that offensive speech may have a deeper and more lasting negative effect on a child than an adult.

The answer to our dilemma is that the broadcast industry must regulate itself. A free society should be able to protect its children without government censorship. Accordingly, I am encouraged by the Advance Parental Advisory plan unveiled yesterday by the four major networks. I hope that the plan evolves into a serious effort by broadcasters to give parents the information they need to protect their children from violent television. However, I remain unconvinced that this plan will be enough. My sense is that the plan is just a finger in the dike, and until the water in the dike subsides, we still have a serious problem. I am anxious to hear today how the broadcasters plan to stem the rising tide of television violence and solve the dilemma that faces Congress and the Nation's television viewers.

STATEMENT OF HON. RALPH M. HALL

Mr. Chairman: First let me thank you for taking such an interest in the issue of violent television programming. Children are exposed to increasing amounts of violence on TV and in the movies, and the message they receive seems to be that violence is OK; that problems are best solved through the use of a machine gun; that the hero wins because he happens to be more ruthless than his adversaries. Today's entertainment goes far beyond the playfully violent slapstick comedy of the Marx Brothers or the Three Stooges. Nowadays, a program is likely to include a body count that sounds like something that ought to be coming from Bosnia, not our television sets.

This is bound to have an effect on many children, and the evidence shows that indeed some children learn violent behavior through things they've seen on the television. Like Chairman Markey, I think the entertainment industry needs to do more to curb violent television programming. I say the entertainment industry—and not the Congress—because I think this is where the ultimate solution lies.

Although we're giving this issue a fresh amount of attention today, all of us know that this isn't a new debate. Twenty five years ago, the debate was over violence in the movies. Congress threatened to take action, but Jack Valenti stepped in and brokered a compromise that's still with us today—the motion picture industry's voluntary movie rating system. It's worked well, and I think many of us would like to see that idea carried over into television. Yesterday's announcement of new industry standards and warning messages is a good first step, and I thank the folks assembled here this morning for making it happen.

The chairman has done an excellent job in placing the heat on the television industry to act. The ball is now in the court of our witnesses here today. I hope we can reach agreement on a solution without having to legislate, but legislation remains an option, and the burden of proof rests on the industry as to whether Con-

gress should go beyond the voluntary industry standards announced yesterday. I thank the chairman and I yield back the balance of my time.

Mr. MARKEY. The Chair recognizes the gentleman from Ohio, Mr. Gillmor.

No? Do any other members seek time for purpose of making an opening statement?

The Chair sees none, so we can turn now to our panel.

And, again, before we begin, I want to underscore that thus far we have had truly only a first step; that, two, we need to include, which this panel will, cable, independent TV, and satellites, all represented here today so that we can get their perspectives as well; and, thirdly, parents need to have the power to exert control through technology-based fixes in the television set if we are to realistically deal with this issue in a world where both parents work or only one parent is in the home at all. Parents would clearly want to fix the set so the children would not be exposed to programming early in the day when they are not home or early in the week for the entire week. That is the objective of this. It has to work in tandem. And we are going to hear from the panelists today as to how they would respond to giving parents that realistic ability to deal with this very serious problem.

We begin first with Jack Valenti. He is the president of the Motion Picture Association of America. He is the architect of the movie ratings system which has provided parents with information about the content of movies for their children for the past 25 years. He has played a leadership role in this proposal announced by Hollywood and the broadcasters yesterday. He has been a frequent and respected witness before this committee for many, many years.

We welcome you back, Mr. Valenti. And when you feel comfortable, please begin.

STATEMENTS OF JACK VALENTI, PRESIDENT, MOTION PICTURE ASSOCIATION OF AMERICA, THOMAS S. MURPHY, CHAIRMAN, CAPITAL CITIES/ABC; WARREN LITTLEFIELD, PRESIDENT, NBC ENTERTAINMENT; PETER TORTORICI, EXECUTIVE VICE PRESIDENT, CBS ENTERTAINMENT; GEORGE VRADENBURG III, EXECUTIVE VICE PRESIDENT, FOX; WINSTON H. COX, CHAIRMAN, SHOWTIME NETWORKS; JAMES B. HEDLUND, PRESIDENT, ASSOCIATION OF INDEPENDENT TELEVISION STATIONS; JOHN S. HENDRICKS, CHAIRMAN, DISCOVERY COMMUNICATIONS; AND CHARLES C. HEWITT, PRESIDENT, SATELLITE BROADCASTING AND COMMUNICATIONS ASSOCIATION OF AMERICA

Mr. VALENTI. Mr. Chairman, I thank you very much.

And I want to publicly praise you and Senator Paul Simon for leading this journey into an inspection of violence on television and, indeed, violence in our society—because before this hearing is over, I think we ought to explore the fact that there is a larger problem out there than just television—that is rupturing and tearing some of the fabric that binds this country together.

I am very sensitive to the views of congressmen. I always wanted to be a Member of Congress myself, but I didn't make it. So I understand your concern from your constituents' points of view. So I think any time that this group—and by the way, I want to pay

tribute to the Ranking Minority Member, my fellow Texan and, indeed, my fellow hometown, from Houston, and his work and all the people on this committee. I think addressing violence in any form and in any forum, in the streets, in the neighborhoods, in families, on television, wherever it occurs, is a worthy search. For that I commend all of you. And I want to be part of that search.

But I hope in the question and answer period that follows we are able to go beyond, because I do not believe for one moment that television is the cause of murders and rape and maiming and riots and discord in this community or in any other community in any part of the world. And I think we ought to explore that.

But having said that, I believe that if there is a causal relationship, Congressman Slattery—and I don't believe that has been totally proven to my satisfaction—if there is, however, if there is the slightest possibly of it, I think, as citizens of this country, we ought to try to do something about it.

I am a great believer in the great bet made by the French mathematician Pascal, when asked: Do you believe there is a God or not a God? He said, "I believe there is a God. If there is a God, I am on the right track. If there isn't a God, then it doesn't make any difference."

I am betting that there is a God; that television has some role to play in the diminution of violence in this society. And I want to be a part of it. And I think that what we have to understand is that the people in the entertainment business, networks, independent stations, Hollywood, are people that love their country as much as anyone in this Congress. We all have children. We all want them to grow up to be good citizens. And my three kids, thank God, are in their middle 20's; and they have their heads on straight and their values intact and their integrity preserved, and they are good people. Thank God. Maybe we were lucky. I don't know.

But millions of young people grow up, as they did, watching television all their lives and grow up to become good citizens. So maybe there is something else out there that we ought to explore diligently.

Having said that, let me tell you how MPAA and the movie industry—if I have anything to say about it—is going to respond. I want to call together very quickly—as soon after this August 2nd conference which Senator Simon has promulgated in California, and which I welcome heartily, along with Congressman Markey—to explore further the issue of violence in the society wherever it appears.

Once that is over, I am going to organize an organizing group comprised of representatives of the Screen Actors Guild, the Directors Guild, the Writers Guild, independent television producers, representatives of the network program development divisions, the studios, film and television development division, all the people who are part of the creative community in this country. And through them, as this organizing group, hold small meetings, 25 to 30 at a time, with people who tell the stories on film and tape that are shown on television to see if we can't discuss among ourselves, keeping the first amendment firmly in view. Because this is not a province for governments. It isn't a province for groups. It's a province for people getting together and examining perhaps some of

their own derelictions and the way they can sustain dramatic narrative and at the same time reduce gratuitous and excessive violence.

Our position is that we also believe that the parent ought to have the tools and technology at his or her hand to deal with individual programs that they would choose their children not to see. And, indeed, the whole provenance of the rating system in movies is based on parental responsibility taking charge of the standards of conduct they want to insert in their child, not only in the movies that they see but the books they read, the people that are their friends, and the schools they attend, and the church they go to. We are going to explore that. And we think that parents ought to have that right.

I am opposed to—and I tell you that up front—I am opposed to a single button which at one push can block out an entire program without—for a week—appraisal or judgment. That is not exercising parental responsibility. And, therefore, I put before you, that is the plan we are going after with all the zeal we can muster.

Is this the full time solution? I don't know. I can only warn you one thing, we care about this country. As you care about it. And we are determined, and I have made a commitment. And I must say that I think, at least in Texas, you learn that when a man gives his word, by God that's as good as taking it to the bank. And Congressman Barton and Congressman Fields and Congressman Bryant understand that. I am not saying that in the other 49 States they don't do that, but in Texas I know. So I am committed to that. I make that pledge. And I hope after several months I am able to come back to you and say we have made a dent.

We did this before. We did this with the appearance and use of drugs on television. We did it with the depiction of minorities on television, with the reduction of alcohol and smoking in our series. We did it with designated driver themes in our series, and we did it with the business of all the other moralities that we find useful in this society. So this is not something that is new to us. And we are going to do our damndest.

[The prepared statement of Mr. Valenti follows:]

STATEMENT OF JACK VALENTI, PRESIDENT, MOTION PICTURE ASSOCIATION OF AMERICA

MPAA offers its public praise to Chairman Ed Markey for leading a journey into an inspection of violence in the society.

How to address violence, in any form, in any forum, on the streets, in the neighborhoods, in schools, among families and on television is a worthy search. Chairman Markey, his colleague Congressman Jack Fields, and their colleagues on this committee, have our respectful attention.

MPAA's response is in four parts:

1. We will organize meetings of all those in the film/TV industry who have a creative role in story telling. From these meetings will come, we believe, a review of how to address the issue of violence on TV wherever it exists, and examine, through discussion, a variety of ways in which dramatic narrative can be maintained while at the same time reducing unnecessary action violence.

2. We support those elements of the television industry who want to construct cautionary advisories for individual programs. Those who observe the pledges and actions of the creative, production and distribution community must clearly understand one simple commercial point: No one in our business is going to find any extra profits in the application of advisories. To the contrary. We are joining in this enterprise because it is right to do.

3. We are opposed to a 'chip' in the TV set which, with one push of a single button, blots out an entire program day or week. That is not making individual judgmental decisions. It amounts to indictment without appraisal, and is not an exercise of parental judgment.

We support the goal of offering to viewers the information they need to make individual programming choices, empowering them to make effective, suitable use of viewer advisories.

What we favor is for parents to be able to use any tool or technology at their disposal to deal with individual programs in order to guide the TV viewing of their children. We believe that parents, and only parents, have the duty and the responsibility to construct standards of conduct for their children. This is not the province of governments or outside groups.

4. We believe a TV ratings system would be too heavy a logistical burden. To organize, mount, and operate a ratings system that produces as much as television/cable devours each year from new programs and from its libraries is to construct a too-thickly crowded ratings agenda.

For example, the voluntary movie ratings system rates about 900 hours of films per year.

Our preliminary exploration tells us there are some 660,000 hours of non-ratable programming per year on cable systems in the United States. ('non-ratable' means those programs that would not be rated, local/national news, sports, public affairs, non-commercial such as educational and religious programs).

Moreover if you total up all TV stations PLUS cable, minus non-ratable programs, you come up with a figure of some 10,850,000 hours.

Even if you subtracted 80 percent of those hours, as programs which really don't need to be rated for various reasons, there would be left over some 2,000,000 hours, over 2,000 times the number handled by the movie rating system. Too much, way too much, to construct a rational rating apparatus.

The only realistic way to approach this aim is to apply voluntary advisories. Those who deliver programs to the viewing public, as well as those who produce them, can join in these voluntary advisories.

MPAA will begin the process of assembling an organizing group consisting of members of the Screen Actors Guild, Directors Guild of America, Writers Guild of America, the Caucus of Producers, Writers and Producers, independent film and TV producers, studio film production development executives and network television program developers. This is the community which creates programs exhibited on network television, affiliated and independent TV stations, on cable, whether delivered via satellite or other means.

This organizing group will issue a call for a series of continuing meetings over the months ahead with the creative and production community. The purpose of the meetings will be to draw together creative professionals for an examination of the anatomy of violence as part of visual story telling. From those meetings will come, we believe, an intellectual framework embracing how a dramatic narrative can be sustained while at the same time addressing the depiction of violence.

Only those who are part of the story-telling process can have a role in forming a script, transferring words and plan to a screen, and designing the final shape of the scene. These are roles constitutionally off-limits to governments at any level of the society.

In these meetings questions will be asked. Some of these questions are of ancient origin. Many of them are still immune to precise answers. These are questions raised not as barriers to doing what is right to do, but in the spirit of knowing what is right to do.

These questions are not asked to hold the status quo—whatever that is—nor to avoid discussion or inspection. These questions are asked because they will be part of the daily query when a film is being planned. Serious people ask these questions. They deserve serious answers.

What is the dividing line between action violence that is suitable and that which is not?

Is it not true that movies/TV programs are not canned goods, all alike as they leave the factory, but each one different from all others, and thereby not susceptible to 'averages' or 'catalogues of do and don't', or being lumped together as similar in form and structure.

In 'westerns', in 'war movies', among crime stories, in the ancient plotting of envy, passion, jealousy and their collision with the human condition, in the habitations of the great authors brought to the screen, just where does the creative surveyor lay his or her plumb line?

Does not the act of simply 'counting acts of violence' fail utterly in distinguishing ingenuity and its artful companions, all of which inhabit a first class story told in first class fashion?

If story telling is to go beyond situation comedies, how can the script and the scene deal with conflict, the clash of opposite values, the duel between good and evil, between law and criminal, between the pursuer and the pursued?

In order to lay bare the immorality of wrong-doing, whether it's evil exposed as evil or the inhumanity of war and crime, where is the perimeter beyond which the story must not venture?

Is the action planned essential to the dramatic story? Is it presented as the only way to resolve the story's conflict? Is the violence portrayed as harmless or inconsequential? Are we showing the de-humanizing aspect of violence on both the object of violence and those who inflict it?

These, in my mind, are fair questions that fair minded people have a right to ask and fair minded people deserve to try to answer. In the meetings I have proposed, these are some of the questions we will confront and challenge.

The movie/TV industry has risen to challenge before. We did it some years ago by joining together to drain from our programs the appearance and use of drugs. We did it again to contain smoking. Seldom do you see smoking on the screen as once you did years ago. We did it again by inserting the 'designated driver' theme in many of our series. We did it again by promoting seat belt use in our stories. We did it in our depiction of minorities. The creative community did all this on their own, no compulsion urging them on, for they would have resisted that, and rightly so. They did it because they believed it was right to do.

We intend to rise to challenge again. That is my pledge to this committee.

Mr. MARKEY. Thank you, Mr. Valenti, very much.

And I would like to note here the work that Senator Simon and Congressman Dan Glickman did, who 3 years ago were able to pass their legislation giving antitrust exemption to the networks so that we could begin the process of oversight on this issue. They are to be complimented.

Our next witness is Thomas Murphy, chairman of the board of ABC, Capital Cities. ABC was the first network to announce the plan to increase the use of parental advisories on television networks.

I look forward to working with you and the other industry officials to find technological means for parents to block out these violent programs. We look forward to your testimony. You have been very helpful in the past. Please begin whenever you are comfortable.

STATEMENT OF THOMAS S. MURPHY

Mr. MURPHY. Thank you, Mr. Chairman, and members of the subcommittee. My name is Thomas Murphy, as you mentioned. I am chairman of the board of Capital Cities/ABC. Thank you for inviting me to participate in today's hearing on a very important issue for all of us: the depiction of violence on television. I would like to summarize my written testimony.

I have been a broadcaster for almost 40 years. I know the power of television to inform, entertain, and influence. I also recognize our responsibility to guard against the broadcast of excessive or gratuitous violence. Our constitution gives us important first amendment rights, but we recognize that these rights come with equally important responsibilities.

Our company has long-standing policies that address the portrayal of violence on our network. In our written summation, I detail the procedures. We take these policies seriously and enforce them vigorously. But the fact that we do a lot to regulate the depiction of violence does not mean that we cannot do more.

As you are aware, the four television networks announced a joint Advanced Parental Advisory Plan to supplement the joint standards. This plan is based on the premise that it is children who are most susceptible to depiction of violence on television. Parents need to supervise their children watching television, and the regular use of parental advisories will be one such tool.

The four networks have agreed to place explicit advisories drawing parents' attention to particular programs, including depictions of violent incidents that are unexpected, graphic or pervasive. Advisories will be included not only at the beginning of these programs but also after some commercial breaks and on all promotional material for these programs.

I thought it might be helpful for you to understand specifically what programs on our network this might affect, so I brought these two charts. This is the first one here. And I hope everyone on the committee can see it. And I would like to take a minute to explain it.

We have 3 hours of our ABC news department. And I should say that I think a similar thing would be able to be shown by the other three networks as well, as far as what I am going to lead up to as far as violence and how many parental advisories would be on.

You see Day One, One Look, with Forest Sawyer, a new news show. And then 20/20 on Friday, which is with Barbara Walters and Hugh Downs. They are news magazine shows. Then you see ABC Monday Night Football on Monday.

Then I would like to take—before I go to the NYPD Blue, Full House, Roseanne and Coach on Tuesday are all comedies. Then Joe's Life, Home Improvement, Grace Under Fire are all comedies. Through At The Strand. I don't know if you remember Moonlighting, but it is a mystery show. But it has a great deal of comedy in it. It doesn't have any violence at all.

Missing Persons is an actuality type show which is designed—the organization is trying to find young children and people, for some reason, who are missing. But it doesn't have much violence at all in it. Matlock. I think you have all been around long enough, you are familiar with it. It is like Perry Mason's old series. Family Matters, boy meets girl. Step by Step. And Thank God It's Friday. That is 100 percent children's programming, all comedies.

George, Where I Live, and the Paula Poundstone, shows are all comedies. The Commish is a detective show that does not have substantial violence at all on it, so it wouldn't need any advisories. America's Funniest Videos, Funniest People, Lois and Clark. Well, you remember, that is Superman. We are calling it Lois and Clark. That is just for young people as well, but it won't have any violence.

Now, I would like to address the next one. And if someone could take the chart off. Thank you very much.

Our Sunday Night Movie. This is where we do have some of the parental advisories. This would be for all next season. On the right-hand side, these are 34 movies, many of them would be from Hollywood, but some of them are movies of the week made just for television. But by the best judgments of our Standards and Practices Department, at this time, is that those 34 movies, you see the comedy and romance, murder mystery, drama, and western adventure,

will not need any parental advisories because they don't have any substantial violence at all.

The ones that will have, will be the 12 movies on the other side. Some of them you might recognize that you have seen because they are movies made out of Hollywood. *Innocent Man*. *The Rookie*. I think that is a Clint Eastwood movie.

Tango and Cash is one with—he is in that present show now—Stallone. Thank you. It was Stallone. And *Gremlins* is a science fiction show out of Hollywood. And *Terminator II* you will remember with Schwarzenegger. And the ones below that are movies of the week that we are producing—or Hollywood is producing on adult subjects and wouldn't necessarily have a lot of violence, but we think they are ones that we would put advisories on.

I thought I would give you a perspective—and that would be no different in this season.

And, finally, if we would go back to the other chart, we have *NYPD Blue*. Next year we have a show being produced by a very prominent producer and writer, Steven Bochco, who produced *Hill Street Blues* for NBC and *L.A. Law* for NBC. He produced *Doogie Howser* for us. A very successful show. He produced one which was not the best one, *Cop Rock*. But there are hits and misses in this business. That show has had a lot of conversation. We would have an advisory on that for the first show, not because of violence but because it has some street language that is unusual, because it is a cop show, and it sounds like the ways you would think cops really do talk. From that point of view we would have it on it. So we think most of the time when that show is on, it will have a parental advisory.

If you want to discuss that later, we will be delighted to.

The concerns of our viewers and those expressed by Members of Congress have led us to be more activist in response to this question. In response to legislation initiated by Senator Paul Simon, CBS, NBC, and ABC, late last week, agreed on common standards restricting how and when we will show violent acts on our networks. We believe that the uniformity and specific nature of the standards as well as the publicity they have received will help to ensure even more exacting program by the three networks.

And in August of this year, senior executives in all parts of the industry will meet for the first time to discuss violence on television, where the problems lie, and how we can do better.

A broad spectrum of educators, social scientists, and policy-makers will be invited to share research and views with all the networks, cable, independent stations, and the production community. These specific steps have been part of the process that I believe have led to a greater sensitivity in ordering new shows for our fall schedule.

The degree and use of violence on the program will, I am confident, constitute a more important factor than ever in deciding whether to air a show on our network. All of the efforts I have described can make a difference, but only time will change the nature and level of violence our viewers see on television.

Let me now address proposals for a ratings system and Chairman Markey's parental blocking chip now under consideration by this subcommittee.

First we are not opposed to rating our own programs, but any system must meet the demands of television. There are significant differences between the television business and the movie industry. Television has much greater time constraints and constant last-minute changes and a significantly more volume of product.

Each of the three traditional networks broadcast more than 5,000 hours of television each year, all of which would be considered G or PG, if rated, under the system applied to movies. Our new Parental Advisory Plan is relatively easy to administer. At the same time, it puts parents on notice as to when to exercise parental discretion in supervising what their children should be watching.

The V-block proposal is an intriguing idea that deserves the scrutiny it is receiving. We share the goal of enabling parents to make the most effective use possible of the parental advisories we are now inserting into some of our programs. And we applaud Chairman Markey for his leadership in this area.

Any reservations we might have about the proposal has to do with exactly how it would work. Anything we do should give parents more power to pick and choose programs for their children to watch, rather than less. We would not want a plan that discourages a parents from even considering whether a particular program is appropriate for their children, nor should we create a false sense of security that a V-block means there is no need to supervise what our children are watching on television.

We are also concerned that the chip might lead to government entanglement in the media, contrary to bedrock first amendment principles. If the government requires manufacturers to install new hardware based on the classification of new programs, it may think that it has some stake in the classifications and how they are administered. For the government to oversee the rating of television programs would raise substantial constitutional questions and would, in my judgment, be unwise and dangerous.

Having voiced our reservations, let me emphasize that we absolutely share Chairman Markey's motives underlying the V-block. We would welcome the technology that gives parents the ability to choose in advance when programs they would and would not like their children to see.

In closing, I would like to say that all of us in television need to work together to address our concerns effectively. Network television is no longer the only game in town. Without the participation of the cable and the independent television stations, the Hollywood studios and the independent production community, most of whom lack the standard policies we implement, we cannot succeed in dealing with this issue. We appreciate the congressional respect for the first amendment that has been expressed.

And, by the way, we do not believe that our first amendment rights include the right to insulate ourselves from criticism. Indeed, we are more effective because we hear from viewers. The expected give-and-take and meaningful discussion about the content of our programming, that is why we are present at this hearing.

I am proud of the efforts we at Capital Cities/ABC have made to regulate the depiction of violence on our network. And I am pleased with the new initiatives that we have under way. But I further be-

lieve that we can make further progress, and we intend to continue to do our part.

Thank you, Mr. Chairman.

Mr. MARKEY. Thank you Mr. Murphy.

[The prepared statement of Mr. Murphy follows:]

STATEMENT OF THOMAS S. MURPHY, CHAIRMAN OF THE BOARD, CAPITAL CITIES/ABC, INC.

Mr. Chairman and members of the committee, my name is Thomas Murphy. I am chairman of the board of Capital Cities/ABC, Inc. Thank you for inviting me to participate in today's hearing on a very important issue for all of us: the depiction of violence on television.

I have been a broadcaster for almost 40 years. I know the power of television to inform, entertain, and influence. I also recognize our responsibility to guard against the broadcast of excessive or gratuitous violence. Our Constitution gives us important First Amendment rights, but with those rights come equally important responsibilities.

Our company has long-standing policies that responsibly address the portrayal of violence on our network. We take these policies seriously and enforce them vigorously. Until now, the primary responsibility for controlling the depiction of violent content on television has fallen principally to the networks, which have extensive standards departments and policies. Our cable and independent station competitors, however, now attract nearly 40 percent of the viewing audience, and their involvement is crucial for developing a comprehensive strategy to address this issue.

We have tried hard to prevent excessive violence on ABC, and we intend to try harder. As The New York Times recently noted, our network's founder, Leonard Goldenson, created ABC expressly for an audience of young postwar families, and, as The Times recognized, we still maintain that tradition of being a "family network. In our new fall schedule for prime time, the largest component—almost 40 percent—is comedy. Police dramas total another 18 percent, and news magazines, romance, movies and sports make up the rest.

But the fact that we do a lot to regulate the depiction of violence does not mean that we cannot do more. Indeed, our approach to violence is evolving in ways that may well change what we see on television.

Let me describe our general principles in this area. I will then focus on the special guidelines we have for children's programming. Finally, I will comment on Chairman Markey's parental "blocking" chip for programming containing depictions of violence.

First, under our standards, violence may not be portrayed gratuitously. It must be necessary to tell a story. Producers and writers must establish that the depiction of violent acts is essential to illustrate a story theme, to portray a character trait, or to convey the day-to-day experiences of a character, such as a police officer, boxer, or gang member.

Second, the consequences of violence must be depicted so that violence will not be glamorized. Viewers must be shown the detrimental effects of violence—whether through the imprisonment of a violent character, the break-up of a family, or the disruption of a neighborhood, school or home.

We also require programmers to make every effort to depict other ways to resolve conflict so that we do not inadvertently teach viewers to treat violence as a simple and effective means of solving problems.

Finally, we prohibit our shows from conveying how to use weapons, commit crimes or avoid detection; our role is to entertain viewers, not to educate would-be criminals.

Our standards apply with equal force to commercials and to promotionals for our programs. While we accept advertising for some "R" rated films in some dayparts, we make sure the commercials and promotions do not contain excessive or gratuitous violence. We also reject commercials because the films are too violent. Commercials for "R" rated movies may air only in adult-directed programs telecast after 9 p.m., in daytime dramas, and on "Good Morning America." They may not air during family-oriented programs such as "Home Improvement", "Dinosaurs", and "Camp Wilder", even if the family-oriented programs air after 9 p.m. In short, we make every effort to ensure that promotions and commercials that contain or refer to violent material do not air during family viewing hours.

We are even more vigilant with programs targeted at young children, who are the most vulnerable and impressionable members of our society. We do not permit the display of realistic weapons or violence that is easily copied. We also require that

shows aimed at a youthful audience promote positive values and convey moral messages. The hero must be good, must have a positive, pro-social purpose, and may never initiate aggression. Villains generally must be larger than life fantasy creatures and may never be glamorized or made attractive.

To further protect children, we generally schedule programs that are suitable only for an adult audience after 9 p.m. In addition, we often edit out violence from cartoons produced originally for theatrical exhibition and from commercials directed at children. We do not permit realistic depiction of crime and do not accept commercials for realistic toy guns.

These policies are not self-enforcing. We have a special division—the Department of Broadcast Standards and Practices—to review all entertainment programming and network promotions and commercials for compliance with our standards. It is headed by a vice president of the corporation, and employs 21 professionals who review and evaluate entertainment programming at all stages of development from the preparation of a script to the final editing of a program or commercial.

Because we are concerned with both the explicit and implicit values conveyed on stories and commercials, our editors evaluate a variety of program elements, including language, theme, treatment of racial, ethnic or minority groups, sexuality, gender, general taste and appropriateness and, of course, violence. These editors work directly with our production staff.

I have outlined many of the ways we have approached portrayals of violence on our network to date. However, as a result of several new initiatives, I expect changes over time in what viewers see on television. First, in response to legislation initiated by Senator Simon and Congressman Glickman, CBS, NBC, and ABC late last year agreed upon common standards restricting how and when we will show violent acts on our networks. We believe that the uniformity and specific nature of the standards—as well as the publicity they have received—will help to ensure even more exacting program review by the three networks.

It is important to note, however, that the joint standards thus far have been endorsed only by ABC, CBS, NBC and, just last week, Turner. I cannot overemphasize the fact that network television is no longer the only game in town. Without the participation of cable, the independent television stations, the Hollywood Studios and the independent production community—most of whom lack the standards and practices policies we implement—there can be no possibility that the issue of violence in programming will be dealt with comprehensively. We frequently receive complaints from viewers about content on our shows only to discover that the program did not air on network television but in some other media forum. Indeed, according to a recent TV Guide study, the three networks clearly depict less violence than other media outlets.

Just yesterday, the four networks—ABC, CBS, NBC and Fox—proposed a joint “Advance Parental Advisory Plan” to supplement the joint standards. This plan is based on the premise that children are particularly susceptible to certain depictions of violence on television. Parents need the tools to supervise their children in the watching of television, and the regular use of parental advisories will provide one of those tools. The four networks have agreed to place explicit advisories drawing parents’ attention to particular programs, including depictions of violent incidents that are unexpected, graphic, or pervasive. Advisories will be included—not only at the beginning of these programs—but also after some commercial breaks (if appropriate) and on all promotional material for the programs.

A third initiative on violence will take place in August of this year. At that time, senior executives in all parts of the industry—over-the-air networks, cable, independent stations, and the production community—will meet for the first time to discuss violence on television, where the problems lie, and how we can do better. A broad spectrum of educators, social scientists, and policy makers will be invited to share research and views. The conference raises the prospect that all parts of the industry can join together to grapple with the issue of violence in the media without government intervention.

Finally, the increased sensitivity of the American people to depictions of violence on television has led us to be more sensitive in ordering shows for our new schedules. The degree and use of violence on our programs will, I am confident, constitute a more important factor than ever in deciding whether to approve a show for air on our network.

I have described several constructive efforts which, I believe, can make a difference—our individual standards, the standards jointly adopted with CBS and NBC, the Advance Parental Advisory plan, formal discussions among the entire television community, and a new sensitivity to violent content in deciding what shows go on our schedule. These efforts will, I believe, over time change the nature and level of violence our viewers see on television.

Let me now address proposals for a ratings system and Chairman Markey's parental "blocking" chip now under consideration by this subcommittee. First, we are not opposed in principle to rating our own programs. But any such system must meet the specific demands of television. There are significant differences between the television business and the movie industry. Television has much greater time constraints, constant last-minute changes, and significantly more volume of product. Each of the three traditional networks puts on more than 8,000 hours of television each year—all of which would be considered either "G" or "PG" if rated under the system applied to movies.

The Advance Parental Advisory plan announced by the four networks seeks to accommodate both the severe time and volume constraints of television and the narrow range of appropriate ratings for television. It is relatively easy to administer and at the same time puts parents on notice as to when they should exercise particular discretion in supervising what their children are watching.

The V-block proposal is an intriguing idea that deserves the close scrutiny it is receiving. We share the goal of enabling parents to make the most effective use possible of the parental advisories we will now be inserting in some of our programs. We would therefore welcome new technology that would give parents the ability to choose in advance which particular programs they would—and would not—like their children to see.

Although we share the motives underlying the V-block, we have some reservations about the particular proposal as we now understand it. Anything we do should give parents more power to pick and choose programs for their children to watch, rather than less. We would not want a plan that discourages a parent from even considering whether a particular show was appropriate for their children; nor should we create a false sense of security that, provided a "V-block" is turned on, there is no need to supervise what our children are watching on television.

I am also concerned that the chip might lead to government entanglement in the media, contrary to bedrock First Amendment principles. If the government requires manufacturers to install new hardware based on the classification of individual programs, it may well feel it has some stake in the classifications and how they are administered. For the government to oversee the rating of television programs would raise substantial constitutional questions and would, in my judgment, be unwise and dangerous.

Let me conclude with two other cautionary thoughts. First, there always will be compelling stories worth telling that contain conflict and violence. Our goal should be to maintain a proper balance in our overall schedule so that stories with physical conflict do not predominate and the nature and levels of violence shown are appropriate to the subject matter, the hour, and the audience.

Second, the government must exercise restraint in interfering with the content of the programming the media portrays. Our Founding Fathers had the wisdom to recognize the importance of freedom of expression to democratic self-governance. We must guard this freedom jealously. Although the right to free expression is not absolute, our Constitution grants our industry the right to control the content of our programs because the risks associated with government involvement in programming decisions are so great. However strong our common concern with violence on television, it is essential that the industry police itself.

Our First Amendment rights, however, do not include the right to insulate ourselves from criticism; indeed, we are more effective because we hear from viewers. We expect and welcome give-and-take and meaningful discussion about the content of our programming; that is why we are present at this hearing.

In conclusion, let me underscore our commitment to responsible programming. We take seriously our duty to police ourselves. It is why we have a standards department to review the content of our programs, promotions, and commercials. It is why we require our programmers to convince us that the depiction of violence is integral to story line and character development. It is why we will display greater sensitivity to portrayals of violence in selecting new shows.

I am proud of the efforts we at Capital Cities/ABC, Inc. have made to regulate the depiction of violence on our network, and I am pleased with the new initiatives we have underway. But I also believe that we can make further progress. We intend to continue to do our part.

Thank you.

Mr. MARKEY. Our next witness is Mr. Warren Littlefield, the president of entertainment for NBC. He is responsible for the development and production of NBC's entertainment programming including prime time, late night, and Saturday morning programs.

We welcome you.

STATEMENT OF WARREN LITTLEFIELD

Mr. LITTLEFIELD. Thank you, Mr. Chairman.

I started with NBC in 1979. I have been involved with the creation of all the current programming on NBC's current schedule.

I am also the parent of an 8-year-old son and an 11-year-old daughter. My wife and I understand that today's television universe is vastly different from what we watched as children. Back then the networks were the television universe. This is simply not true for my children. For them there is no difference between channel 7, 24, or 65. They, like most Americans, have over 30 choices; and none of those choices are as carefully scrutinized for violence or inappropriate material as the networks's programs.

I am especially pleased to testify about the landmark Advanced Parental Advisory Plan announced yesterday by NBC, CBS, ABC and Fox. The underlying principle of this initiative is to provide parents with adequate timely information about depictions of violence that may be contained in our programming.

Use of this advisory will allow each parent or responsible adult in a household to make their own decisions about family television viewing and particularly, the appropriateness of having young children viewing specific programs.

And in our judgment this advisory plan has a purpose that is far superior in design to other types of rating systems. It will provide parents with more information than would a V-rating system while avoiding the unintended and potentially adverse consequences of a V-rating system. We hope that all members of the television production and distribution industry will endorse and implement the plan.

In December of 1992, NBC joined with ABC and CBS to adopt joint standards for the depiction of violence in television programs. The joint standards decry gratuitous excessive or glamorous depictions of violence. NBC's decidedly nonviolent fall schedule is the first season of programming to be developed under these new plans. And we are proud of what we put on the air and its, decidedly, lack of violent content.

Moreover, it is important to note that any other entity which adopts these standards, cable, first-run syndicators, or independent television stations must understand that much of the programming that they currently exhibit clearly does not meet the network's joint standards. Clearly cable operators who are contractually obligated to run uncut movies run afoul of the new standards. If others in the industry can be encouraged to adopt and really adhere to these standards, there will be a significant reduction in the cumulative level of violence on television.

The networks, together with other segments of the entertainment industry, including the creative communities are participating in a major conference on the subject of television violence on August 2.

Again, the antitrust exemption contained in the Television Violence Act has helped make this meeting possible. It will bring together many of the best minds in the Nation who have studied television violence and should lay a foundation for further progress on the issue.

In addition, NBC maintains a written set of program standards which require that we exercise special care and sensitivity in connection with the depiction of violence, particularly its potential impact on children. These standards deem unacceptable excessive or gratuitous violence, violence included only for its shock value or which is not essential to the development of theme, plot, or characterization.

Our standards also require that the negative consequences of violence must be portrayed when it plays an integral role in a story or theme. We are wearing a new set of glasses, and that new set of glasses is, in effect, now to look even more closely at what we put on the air.

Feature films originally produced for theatrical release receive close scrutiny by the Broadcast Standards and Practices Department, and unacceptable footage is deleted. Excessive violence and profanity are the most frequent of those deletion.

We even receive changes in the script in order to provide the viewer with a different message than was delivered in the film's original form. If we deem that a film cannot be revised to meet our standards, we simply won't broadcast it.

NBC is taking positive steps to deal with the issue of violence in our society. This fall, NBC launched the fourth season of "The More You Know" campaign. This phase of the campaign focused on the issue of teenage violence, conflict and resolution. It includes violence prevention messages featuring many NBC stars which are broadcast by the NBC network and by our affiliated stations across the country. The spots were prepared in consultation with nationally recognized experts.

NBC is also planning to devote a number of upcoming episodes in a variety of our sitcoms this fall to conflict resolution and anger management values particularly in those programs which are most likely to be watched by our young adult viewers and, of course, the children.

Additionally, specific public service announcements featuring NBC celebrity role models will be aired throughout the season to further antiviolence messages.

NBC's prime time schedule for this fall is distinctly nonviolent. There are seven new comedies, two new dramas, and a weekly mystery movie. The two new dramas are, *Against The Grain*, a one-hour family drama about the coach of a high school football team in a small town outside of Dallas; and *Sequest DSV*, a Steven Spielberg-produced one-hour adventure series that explores the oceanic frontier 25 years in the future. There will also be a news magazine format with Tom Brokaw and Katie Couric.

One word about a returning series, *Law and Order*, a 10 o'clock crime drama. In the 3 years that this series has been on the air, our stars, policemen, have never fired a gun. They have never fired a gun. It is an award-winning television series. We have gotten a lot of critical praise for it. We think we deal with relevant social issues on that show.

NBC is especially mindful of the needs to minimize children's exposure to violence. NBC worked with television standards and practices to ensure that programs containing adult themes or content are aired in the late evening, thus NBC's 8 to 9 programming

consists of situation comedies, nonviolent dramas, and reality shows.

The few serious dramas that we have on the air are simply not watched by children. In fact, in a study conducted for TV Guide, NBC was second only to PBS in having the fewest depictions of violence in its programming.

Finally, I want to point out that NBC no longer airs children's animated cartoons. Rather we have developed teen oriented programming that virtually has no violent content whatsoever. Essentially, these are weekly morality plays. And by the way, they are very well watched. This programming block also includes regularly scheduled educational and informational programming.

NBC has a strong historic commitment to quality programming containing no gratuitous violence. In recent months we have vigorously reaffirmed that commitment. Last December we adopted joint standards with the other networks. Yesterday we adopted the Advanced Parental Advisory Plan. We will actively participate in the August conference. These are concrete steps that we are taking to make things better.

We seek your support for these efforts and your assurance that you will look to others in the industry, the independent television stations, first-run syndicators, cable, and the entire creative community, and demand they follow suit.

For our sake and our children's sake, however, it is critically important that the collaborative efforts of Congress and the entertainment industry to deal with television violence does not proceed in a vacuum.

The primary causes of violence in America today do not look at us from behind a television screen. Rather, they glare at us behind semiautomatic weapons, decaying cities, and fatherless and dilapidated homes.

If we as a Nation are serious about really reducing the level of violence in our society, the Congress must act with courage and resolve to address the issue of gun control, grinding poverty, family disintegration, and mental health care.

Thank you very much for the opportunity to be in front of you here today.

Mr. MARKEY. Thank you, Mr. Littlefield.

[Testimony resumes on p. 208.]

[The prepared statement of Mr. Littlefield follows:]

WARREN LITTLEFIELD
PRESIDENT, ENTERTAINMENT
NATIONAL BROADCASTING COMPANY, INC.

My name is Warren Littlefield and I am President of NBC Entertainment. I supervise the development and production of NBC's entertainment programming including prime time, late night and Saturday morning programming. I started with NBC in 1979 and I have been involved in the creation of all the current programming on NBC's prime time schedule.

I am also the parent of an eight-year old son and an 11-year old daughter. My wife and I understand that today's television universe is vastly different from what we watched as children. Back then the networks were the television universe. This is simply not true for my children. For them, there is no difference between channels 7, 24, 30 or 65. They, like most Americans, have over 30 choices. And none of those choices are as carefully scrutinized for violence or inappropriate material as the networks' programs.

In March I was asked and agreed to act on a volunteer basis as an expert adviser to RAND in its proposed evaluation of the California Wellness Foundation's Violence Prevention Initiative. RAND asked me to assist this effort by explaining how the television industry evaluates violence-related content. This initiative is one of the many sponsored by the California Wellness Foundation which has invested about \$30 million on projects designed to reduce youth violence in California.

I appreciate the opportunity to appear before you today to participate in this discussion. I hope to restore some sense of perspective and balance to the debate on television violence by questioning some of the assumptions about the link between TV and

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societal violence which appear to have won all too easy acceptance in this Subcommittee. I will review NBC's historic and renewed commitment to programming standards and practices that are among the most stringent in the industry and are designed to reduce inappropriate, gratuitous or excessive violence on our network. Our recently announced primetime schedule for this fall is noteworthy for its distinctly non-violent orientation.

I am especially pleased to testify about the landmark Advance Parental Advisory plan announced yesterday by NBC, CBS, ABC and Fox. It is a great step forward in making available to parents increased information about violence on television. In our judgment, this advisory plan is similar in purpose but far superior in design to other types of rating systems. It will provide parents with more information than would a "V" rating system while avoiding the unintended and potentially adverse consequences of a "V" rating system.

Once again the networks have taken the lead and have meaningfully addressed the issue of violence on television. In this intensely competitive video distribution marketplace, the networks are far in front of cable, independent television stations, and first-run syndicators in their response to this issue. The rest of the television industry should not be allowed to fall behind. I ask the Subcommittee to ensure that all other participants in the television industry match our actions.

SOCIETAL VIOLENCE IS THE REAL ISSUE

In the current round of hearings on television violence, many witnesses have testified in sweeping terms about the correlation between TV and societal violence. We are all deeply concerned about the level of violence in this country, but is it really fair or accurate to blame television for societal violence? By doing so are we not diminishing the enormity of the root causes of violence in our country? Is it easier for our government to point the finger at TV than to face its own failure to deal in any meaningful way with the rampant availability of guns and drugs on our streets or the overwhelming poverty in which many of our children grow up? Are we as a society unable or unwilling to deal with the despair created by broken homes and the anger from continued racial disharmony? What kind of signal is the Congress sending about its ability to come up with difficult solutions to the real causes of violence in America when it focuses so much of its attention on televised portrayals of reality?

We at NBC have studied carefully the testimony of various behavioral theorists and others eager to blame TV violence for violence in America. How can one accept uncritically a study alleging a causal connection between them which fails to address the pervasiveness of guns in America? How can one accept unquestioningly analyses which conclude that Rowan and Martin's 25th Anniversary "Laugh-In" Special was very violent? The audience did not think so. In fact, an estimated 49 million Americans viewed all or part of that program, and all we heard

was praise, not a single complaint. Are situation comedies or slapstick humor the problem, as some would suggest?

When one examines the facts rather than becoming distracted by the rhetoric, it becomes clear that network television is not an appropriate primary target for those concerned with violence in society.

First, the amount of programming on network television that could even arguably be said to contain some violent material is only a tiny fraction of the thousands of hours of entertainment programming offered to viewers each year. For example during the May Sweeps, which were harshly criticized for violent programming, the vast majority of NBC's programming consisted of news, sports, sitcoms, soap operas and game shows devoid of violence. Only a miniscule percentage of the roughly 400 hours of programming offered by NBC -- all movies or serious dramas exhibited after 9:00 P.M. -- contained some action material that could conceivably be labelled "violent," and, we submit, it was not gratuitous. More to the point, during the May sweeps all ten most watched programs on NBC among children (2-11) were non-violent situation comedies, like "Blossom," "Fresh Prince," and "Cheers."

Second, the limited depictions of violence on network TV are generally not inappropriate or excessive, but are essential to the development of drama, appear principally in programs designed for an adult audience, and generally are shown later in the evening.

Third, the primary concern is with the viewing of violent material by children and children simply do not watch network programs designed for adults. Of the top 30 network programs among children, none could reasonably be construed as violent. On the other hand, NBC's highest rated police drama, "Law & Order," ranks 141st among children.

Fourth, while there is enormous and justifiable concern about societal violence, NBC has little evidence of widespread public concern about violent programming on network TV. We received 240,000 actual viewer calls and letters from viewers during the 1992-93 season, and only about 1% of these viewer contacts related to concerns about violence.

Fifth, to the extent there appears to be more violence on television, it is because of the proliferation of other channels - not network TV. In fact, a recent Roper study confirmed that the public believes that there is far more violence on cable than on broadcast TV. While the networks schedule programs with more violent content late in the evening where they attract few young viewers, many independent television stations and cable operators compete for the young audiences with extremely violent programs. In New York, the highest rated non-network program is usually the "8 O'Clock Movie" on WPIX Channel 11. It often attracts 200,000 2-11 year olds. As noted, only a very small percentage of NBC's May sweeps programming arguably contained violence. In contrast, most of the 24 movies shown by WPIX during the May Sweeps were violent action adventure or horror movies, such as "Blood Sport" and "Death Wish." Similarly, during May the highest rated

programs on pay cable were mostly violent movies. In fact, of the top 30 pay cable programs, 19 were very violent movies which were shown unedited.

NBC'S EFFORTS TO DEAL WITH VIOLENCE

NBC always has recognized its responsibility to its viewers to broadcast programming which is entertaining but which avoids glamorous or excessive depictions of violence. Recent Congressional attention to television violence has riveted our attention. In response, NBC has redoubled its efforts in this area through a series of steps calculated to reduce TV violence and provide parents with the information necessary to enable them to assert more control over what children watch. Moreover, we believe that TV can be used affirmatively to promote anti-violence themes and messages and to shine the light of publicity to raise awareness of issues like child abuse and date rape.

Joint Network Actions

As I mentioned earlier, yesterday NBC joined with ABC, CBS and Fox to announce our new Advance Parental Advisory Plan. The underlying principle of this initiative is to provide parents with adequate, timely information about depictions of violence that may be contained in specific programs. Use of this advisory will allow each parent or responsible adult in a household to make their own decisions about family television viewing and, particularly, the appropriateness of having young children viewing specific programs. We hope that all members of the television production and distribution industry will endorse and implement this plan.

In addition, last year NBC joined with ABC and CBS to adopt Joint Standards For The Depiction Of Violence In Television Programs. The joint standards decry gratuitous, excessive or glamorous depictions of violence. Operating under the antitrust exemption granted in the Television Violence Act of 1990, the networks regard these Joint Standards as a significant contribution to voluntary restraint of TV violence. These Joint Standards are not weaker than the standards of the individual networks. They evolved from long and focused thought by all three networks. The very process of developing and issuing the Joint Standards entailed the type of reflection, scrutiny and consciousness-raising which is indispensable to changing the TV culture in the area of violence.

NBC's decidedly non-violent fall primetime schedule, a copy of which is attached, is the first season of programming to be developed using the new joint standards and is a clear indication that these new standards will contribute to the diminution of violence on television. Moreover, it is important to note that any other entity which adopts these standards -- cable, first run syndicators, or independent television stations -- must understand that much of the programming that they currently exhibit clearly does not meet the networks' joint standards. Clearly, cable operators who are contractually obligated to run uncut movies run afoul of the new standards. If others in the industry can be encouraged to adopt and really adhere to these standards, there will be a significant reduction in the cumulative level of violence on television.

The networks, together with other segments of the entertainment industry including the creative community, are participating in a major conference on the subject of TV violence on August 2, 1993. Again, the antitrust exemption contained in the Television Violence Act has helped make this meeting possible. It will bring together many of the best minds in the nation who have studied the TV violence question and should lay a foundation for further progress on this issue.

Program Standards

NBC maintains a written set of Program Standards which require that we exercise special care and sensitivity in connection with the depiction of violence, particularly its potential impact on children. These standards deem unacceptable excessive or gratuitous violence -- violence included only for its shock value or which is not essential to the development of theme, plot or characterization. Our standards also require that the negative consequences of violence must be portrayed when it plays an integral role in a story or theme.

Our goal is to strike a careful balance between eliminating gratuitous, excessive or inappropriate violence on TV and maintaining a high level of dramatic interest. NBC has an obligation to its viewers to offer dramatic programming and entertainment which appeals to a broad-based audience. We also want to continue to offer programming that deals with subjects of societal importance. Studies indicate that audiences are attracted to programs of this nature precisely because of its value to society and because they want to be illuminated on these

subjects. We do not want to be deterred by an artificially imposed rating system which will cause already leery advertisers to shy away from supporting the exhibition of this type of valuable programming.

We constantly work to update the NBC Program Standards in light of our understanding of public taste, and we keep ourselves informed of the views of leading experts in the field, such as the Centers of Disease Control and the Harvard School of Public Health.

NBC has dedicated personnel and procedures to review all the programming on NBC's entertainment schedule and to work with our suppliers if editing is required. As each program produced for original telecast on the NBC Television Network goes through the production process, NBC program executives and the trained professionals in the Broadcast Standards and Practices Department review the program for compliance with our standards. We do not hesitate to require changes. Perhaps an even better indicator of our stringent standards is the amount of product we simply reject altogether as inappropriate for our viewing audience.

Feature films originally produced for theatrical release receive close scrutiny by the Broadcast Standards and Practices Department and unacceptable footage is required to be deleted. Gratuitous violence, graphic sexual scenes and profanity are the most frequent deletions. At times we even request and receive changes in the script in order to provide the viewer with a different message than what was delivered in the film's original

form. If we determine that a film cannot be revised to conform to our standards, we will not broadcast it.

Counteracting Societal Violence

In addition to attempting to deal with TV violence in sensitive and appropriate ways which are less likely to reach children, NBC is taking affirmative and positive steps to deal with the issue of violence in our society. This fall NBC launched its fourth consecutive season of the nationally recognized "The More You Know" public service messages and community action campaign. This phase of the campaign premiered in September and focused on the issue of teenage violence -- conflict and resolution. It includes violence prevention messages featuring NBC stars which are broadcast by the NBC Network and our affiliated stations across the country. The spots were prepared in consultation with nationally-recognized experts.

NBC is also planning to devote a number of upcoming episodes in a variety of our sitcoms this fall to conflict-resolution and anger-management values, particularly in those programs which are most likely to be viewed by children. Additionally, specific public service announcements featuring NBC celebrity role models will be aired providing further anti-violence tips and messages.

Program Scheduling

NBC's recently announced prime time schedule for this fall, a copy of which is attached, reflects increased sensitivity to the TV violence issue. Indeed, these offerings are distinctly non-violent. There are seven new comedies, two new dramas, and a

weekly mystery movie. The two new dramas are: "Against the Grain," a one-hour family drama about a coach of the high school football team in a small town outside Dallas, and "Seaquest DSV," a Steven Spielberg produced one-hour action-adventure series that explores the oceanic frontier 25 years in the future aboard a Nautilus-like submarine. There will also be a new news magazine format show feature Tom Brokaw and Katie Couric.

NBC is especially mindful of the need to minimize children's exposure to TV violence. NBC Entertainment works with NBC's Broadcast Standards and Practices Department to make sure that programs containing adult themes or content are scheduled later in the evening when the vast majority of viewers are adults. Thus, NBC's 8-9:00 p.m. programming consists of situation comedies, non-violent dramas and reality shows. The few serious dramas that appear on NBC are not designed for, targeted at, or significantly viewed by children. In fact, in a study conducted for TV Guide, NBC was second only to PBS in having the fewest depictions of violence in its programming.

Finally, I want to point out that NBC no longer airs children's animated cartoons. Rather we have developed a Saturday morning block of teen-oriented live action programming that has virtually no violent content whatsoever. Essentially, they are weekly "morality plays." This programming block also includes a regularly scheduled educational and informational program.

FUTURE ACTIONS

The key to a successful voluntary program to reduce TV violence is to ensure that each component of the entertainment industry deals with this problem. Each industry segment must understand that it has a stake in resolving this issue and that it must take measures befitting its role in the production or distribution of video programming which will improve the current situation. Particular care must be taken to forge practices and standards which apply roughly equally to all types of distribution media. Solutions which tighten further network standards and practices yet expose viewers of first-run syndication, cable or satellite-based programming to unfettered exhibition of violence without previous notice, including uncut R-rated films in the early evening or on weekends when children are most likely to be watching, will not achieve the desired results.

"V" Ratings

The networks' new Advance Parental Advisory plan will give parents and all viewers more information in a timely manner regarding depictions of violence in a specific television program. This type of voluntary system expressly calls parents' attention to the potential need for their intervention and is subject to the definitional pitfalls of an alternative system: will it produce unintended or adverse consequences.

Candidly, a "V" or multiple "V" rating system raises more serious concerns. The most vexing problem is how to define violence or various levels of violence so as to give a program a

rating which is suitable, not misleading and not likely to discourage viewing which most people would agree should be encouraged. The historical documentary or dramatization dealing, for example, with the Civil War or the Holocaust, raises this issue vividly. Such programming, if at all faithful to history, will contain violence, yet should we be discouraging its viewing or its exhibition through a violence rating system? At the other end of the spectrum, there are cartoon shows like "Tom and Jerry," slapstick comedy shows like the "Three Stooges" and adventure shows like "Batman," all of which contain hitting, kicking or other behaviors which some segments of the behavioral science community might label violent. Should a "V" rating be attached to them? While it might be relatively easy to assign a "V" rating to an unedited R-rated movie distributed by cable, where do you draw the line around a movie which has been edited by NBC's Standards and Practices Department to eliminate gratuitous, excessive or inappropriate violence? Finally, we must recognize that TV news is often violent because it portrays accurately what is happening in real life. There are many cognitive developmental experts who believe that this may be the most troubling programming because it depicts real as opposed to fictitious violence. Although nearly everybody would agree that news should be exempt from any rating system, it remains a major source of TV violence into the home at times when children are likely to be watching TV.

These examples raise the more subtle question of whether there is "good" TV violence and "bad" TV violence in relation to

behaviors it might hypothetically cause. In other words, are there depictions of violence which might reduce as opposed to increase the likelihood of an actual violent act being committed? It does not appear that this important question has been explored thoroughly by academicians or researchers who have written on this subject. If there is a distinction, how would you calibrate a rating system to capture it?

The problems with defining violence or categorizing it have enormous practical implications. Unlike the movie industry, which has a relatively limited number of releases every year, there are thousands of programs exhibited by broadcasting and cable every week. The task of assigning each of them a "V" rating in timely fashion would be extraordinarily difficult. There is the further question of who would be responsible for developing and assigning the ratings. Would it suffice for each distributor to do the ratings for the programming it exhibits, or would there be an independent rating body? If the latter, how would it interact with the networks' Standards and Practices department? We should remember that it took two and one-half years for the MPAA to develop and implement its rating system to deal with a much less complex set of practical problems.

In addition, the notion of a violence ratings system raises the specter of unintended or even counterproductive consequences. Network broadcasts are fully advertiser supported and susceptible to the consequences of labelling. Network TV has been a major progressive force in this nation for bringing into the open a number of previously taboo subjects -- dirty secrets about

America like racism, sexism, domestic and child abuse, neglect of the elderly, and date rape. This kind of programming has also been instrumental in promoting grassroots support for legislative action grappling with many of these difficult issues. Commercial advertisers are often quite wary of providing financial support for this oftentimes controversial, though important programming. If the stigma of a "V" rating is superimposed upon this type of programming, advertisers will withdraw their financial support and these programs will be driven off the air.

Pay cable will not face this prospect. This puts network programmers at a substantial competitive disadvantage in making programming decisions and purchases. We do not want to be discouraged from airing high-quality, socially important programming.

Finally, there is a possibility that such a system will heighten the interest of a 10 or 11 year old viewer in a show rated as violent. In other words, flagging violent programming might stimulate viewer interest in precisely the preadolescent audiences about which researchers are most concerned.

Microchip Blocking Technology

A number of related concerns arise with regard to the proposal to mandate that television receiver manufacturers implant a microchip blocking technology in all new TV sets so that a viewer may block out categories of programming. It is apparent from the proposal that this technology would require a coding system to operate effectively, and EIA has so testified before this Subcommittee. Given the inherent difficulties of

defining "violence" and developing a code system which accurately reflects "violent" content, the fear is that entire categories of programming will be blocked from viewing for all family members.

Of particular concern is the prospect that this new technology could be used or could have the affect of suppressing all programs expressing controversial or unconventional ideas. If blanket codes can be developed for violence as a means of screening out categories of programming, can this device not be used to delete other types of program content - political speech, language, sexual content, including educational programs regarding public health issues? Such a possibility undermines one of the fundamental bases of free speech and a goal of all broadcasters - providing a diversity of voices to the American people.

Again advertising supported media will be hurt more than pay television. The irony is that the broadcast networks have been the leaders on this issue and yet under these proposals, they will be the most adversely affected.

CONCLUSION

NBC has a strong historic commitment to quality programming containing no gratuitous violence. In recent months, we have vigorously reaffirmed that commitment. Last December we adopted joint standards with the other three networks. Yesterday, we adopted the Advance Parental Advisory Plan. We will actively participate in the August conference. These are concrete steps to make things better. We seek your support for these efforts and your assurance that you will look to others in the industry,

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the independent television stations, first-run syndicators, cable, and the entire creative community in Hollywood, and demand that they follow suit.

For our sake and our children's sake, however, it is critically important that the collaborative efforts of Congress and the entertainment industry to deal with television violence not proceed in a vacuum. The primary causes of violence in America today do not look out at us from a TV screen. Rather, they glare at us from behind semiautomatic weapons, decaying cities and fatherless and dilapidated homes. If we as a nation are serious about really reducing the level of violence in our society, the Congress must act with courage and resolve to address the issues of gun control, grinding poverty, family disintegration and mental health care.

Thank you for the opportunity to appear before you today. I will be pleased to answer any questions you may have.

Mr. MARKEY. Our next witness is Peter Tortorici, who is executive vice president of the CBS Entertainment Division. He is responsible for CBS's prime time schedule. And in this role, we would be interested in hearing from him on how these violence advisories will work in practice.

We welcome you, sir.

STATEMENT OF PETER TORTORICI

Mr. TORTORICI. Thank you. I am Peter Tortorici, executive vice president of the CBS Entertainment Division. And it is an honor to appear before you. My responsibilities include those mentioned by the chairman. But my greatest responsibility is as the father of 6- and 4-year-old daughters.

While I am here to lend CBS's support for the four-network Parental Advisory Plan, from a review of your previous hearings on this subject and this morning's opening statements, it is clear that my first task is to try to reclaim some credibility on this issue lest you see my colleagues and me as little more than deathbed converts to this issue.

I acknowledge at the outset that there have been more specific instances when we could and should have been more sensitive to concerns about depictions of violence on television. However, when I hear broadside charges that murder and mayhem is widespread on networks, such a characterization does not describe the CBS program schedule for which I am responsible.

Our schedule this past season included: 5 hours of comedies, highlighted by last year's most honored comedy, Murphy Brown; and 10 hours of drama, highlighted by last year's most honored drama, Northern Exposure; of those, Rescue 911 is a program directed to families and children and which has been credited with saving more than 170 lives; Dr. Quinn Medicine Woman has been the surprise family hit the season; and Picket Fences, the most honored new program, the new shows that have been added to the schedule in addition to Murder, She Wrote, only one carries the potential of potentially violent action. It will be monitored carefully, and it is scheduled at 10 p.m. on Saturday night.

We also include two movie nights, on Sundays and Tuesdays. Some of them do have violent content. And, yes, a number in the coming season will carry parental advisories. However, this past season, 10 of the top 15 rated movies were on our network, and none were of the true crime depictions that, as a genre, are frequently targeted for criticism in discussions of TV violence; and none would have carried a violence warning.

Our movies have included Sarah Plain and Tall and three other Hallmark Hall of Fames: Alex Haley's Queen, and Katharine Hepburn's return to network television.

And, finally, our schedule has included the World Series, the Final Four, the Grammys, Country Music Awards, and the Kennedy Center Honors. And next season's highlight will be the Winter Olympic Games.

As you can thus see, a careful examination of our schedule, past and future, yields a far different conclusion than our critics suggest. Of our 22 hours of prime time weekly, only 1,100 hours annu-

ally, only a small number of the movies fall into violence classification.

The CBS Program Practices Division, working with CBS Entertainment, reviews every project and every script that we even consider airing. We work with our program suppliers to seek conformity to our standards. And we reserve the right to edit the programs that they deliver to us because we accept the ultimate responsibility for what the CBS television network sends into every State, every community and every home in America.

We do edit violence out of some of the theatrical movies we air. A cause of great consternation to another committee of Congress which is concerned with our right-on-edit material from the picture, in a sense altering an artistic work without the artist's approval. But we accept that. Because the content once broadcast on our airwaves is our responsibility.

Yesterday, along with ABC, NBC, and Fox, we announced the Parental Advisory Plan, a program to provide parents with adequate, timely information about depictions of violence that may be contained in programs we air.

Where appropriate, CBS will air cautionary advisories to parents specifically referring to the program's violent content. We believe this new policy response to the call to the industry from Chairman Markey and the subcommittee, namely to empower parents with greater information on programming with violent content.

In addition, any program that carries an advisory, all promotion for that program, whether on our network or on radio or in newspapers or magazines, will include an advisory. We will work with our affiliates, program suppliers, and advertisers to implement this plan effectively and immediately.

We call for the adoption of this or similar plans by our other competitors, be they broadcast, syndicators, or cable. We stand ready to work with anyone else in the industry to help them implement such a plan. And we will actively solicit support for the plan at the industry conference in Los Angeles on August 2.

As for the second half of your proposal, Mr. Chairman, we welcome the advent of technological means by which parents, in their homes, can block out individual programs or channels that they find inappropriate for their children. And we were interested to learn, via your hearing last week, that the private sector is already rising to meet this demand.

We do have serious reservation about the so-called V-chip for fear that same chip would block out Lonesome Dove as well as The Texas Chain Saw Massacres. Moreover, the notion that it would discourage advertisers from supporting programming containing violence is very troubling.

With free television totally dependent upon advertising revenue, we are concerned by any proposal that targets advertising levels for reductions, no matter how seemingly well intended. There is abundant evidence that other's attempt to quash what they deem controversial programming by targeting advertisers as well.

The made-for-television movie, the program genre most frequently targeted, has consistently provided illumination of controversial themes. It is frequently the most controversial among these that has provided invaluable social benefit. Such issues as

child and spousal abuse, sexual harassment, and AIDS prevention to name but a few have received their own thoughtful treatment in this form.

The degree to which an already skittish advertising community is discouraged from supporting these programs will only serve to deprive mature viewers those thoughtful treatments of serious subjects. Such threats to program diversity are very real and should be resisted by all of us who support individual choice, the fullest range of free expression and the free range of television.

We propose a program of dual responsibility between program distributors and parents. By accepting the responsibility to give parents more information about our programming, we empower parents to make more informed viewing decisions for their children.

I hope all of you and your colleagues will give this attempt at self-regulation a chance to take hold without giving in into the temptation to legislate.

Thank you. I will be happy to answer your questions.

Mr. MARKEY. Thank you, Mr. Tortorici.

Our next witness is Mr. George Vradenburg, the executive vice president of Fox, Incorporated. Mr. Vradenburg has been involved in discussions of television violence for many months now, and we look forward to his comments as the representative of our newest American network, the Fox network.

We welcome you, sir.

STATEMENT OF GEORGE VRADENBURG, III

Mr. VRADENBURG. Thank you very much, Mr. Chairman. And I thank you for inviting me to continue the conversation on this very important subject.

I would like to depart from my prepared testimony, since many of the topics and subjects have already been addressed by my colleagues. But I would like to address specifically some of the comments from the subcommittee members.

I come from a community, Los Angeles, in which I think our citizens and the executives in our industry can take justifiable pride in their social concerns and personal responsibilities. And I think it does the community no good whatsoever to condemn us for murder in the streets.

We, as all citizens, are horrified by the violence and crime on the streets in our society. And we, like other citizens, are taking the steps that we can take to try to do something about it. Our community has, over the last several years, in the messages that are included in television programs, addressed, I think, quite responsibly, the subjects of drugs, subjects of driving after drinking, alcohol, smoking, a number of social concerns which the community has responded to voluntarily as an industry and out of a sense of personal responsibility for the programming that they produce and that they air.

If the community thought that the messages that it was putting out were causing the violence in the streets of America, those messages would not be being put out.

I would only cite to you an example of one of our programs, America's Most Wanted, in which there are reenactments of violent

crimes which are aired in order to induce people to watch to call in to help us capture convicted felons. And this show has been directly responsible for the capture of over 250 fugitives, convicted felons, and the recovery of over 50 missing children.

That show now regularly has, as a service, a missing kids alert. So if there is any abducted child in America, you call America's Most Wanted, within hours we will have a 30-second promotional spot on the television broadcast stations in the area of the abducted child in order to broadcast the details of the abduction, a description of the child, and to seek aid in the recovery of the child.

That show is hosted by John Walsh, who you know suffered a personal tragedy with the abduction of his child Adam.

The industry uses violence to display the antisocial effects and the antisocial consequences of violent conduct in our society, and it uses violence in order to capture convicted criminals. That show has been applauded by the FBI, by the Attorney General of the United States, and by law enforcement officials around the country as a show that is doing something to be part of the solution to violence in America, not part of the problem.

With respect to some of the more alarmist experts who have given their opinions about the relationship between violence on television and violence in America and particularly one expert who claims that television causes 10,000 homicides a year, 70,000 rapes, 700,000 assaults, he bases that analysis simply on a statistical correlation of what happened in South Africa prior to 1975 and what happened in America.

South Africa prior to 1975 was a police state. I would submit if you compared homicide rates in the communist Soviet Union that you would find very low homicide rates. And I would suggest that it has nothing to do with what is on television. He remarkably concludes that there is no correlation between increase of homicide rates and the availability of firearms, the availability of drugs, urbanization, civil unrest. And I would submit to you that few in America believe that the violence in our streets is totally unrelated to presence and availability of firearms.

Having said that, we, as an industry, have stepped forward yesterday and announced an Advanced Parental Advisory Plan. We do that in order to put more information in the hands of parents so that they can make the decisions that they would like to make for their children.

If children are unsupervised, however—and I recognize the comments from the Chair on that subject—the parents whose child cannot be relied upon to adhere to parental instruction may need a mechanical means to block that child's access to an unsuitable program.

Time block technology does permit a parent to do just that in somewhat of a gross way. We would welcome a voluntary industry-wide effort to develop a even more discriminating, easy-to-use technology that exists today to permit a parent to deny his or her child access to an individual or particular program.

There are several different approaches to do this. Each has different futures costs and implementation issues. All should be explored by the effected industries.

We do not support the use of a government mandated V-chip system. The approach is inflexible. It only allows the parent indiscriminately to lock out all the programs without regard to one. One need only recall that in the Gerbner-defined world of violence, the 25th anniversary show of Rowan & Martin's Laugh-In is one of the most violent programs in America.

In a V-chip, V-rated world, all of The 10 Commandments, the Simpsons and Murder in the Heartland are blacked out, or none are. In such a world, a parent could choose indiscriminately to black out 50 percent of situation comedies, 55 percent of news-magazines, and most sports and news broadcasts, or to blackout nothing.

Additionally, the V-chip, V-ratings approach depends on a massive ratings system involving hundreds of thousands of programs a year, a number that will escalate with the proliferation of TV and cable channels. Because of its primitive and nondiscriminating character, a V-chip system would rarely be used. It is not a means of empowering parents but for enfeebling them.

The issue of violence, in my view, is the responsibility of the industry and parents. It is not the province of government regulation. The American people have been lectured over the years about TV's nattering nabobs of nihilism or about the affront to family values of Murphy Brown's single parenthood.

The American people may not like some of our programming—we know; they tell us with their channel selector switches and their calls and letters—but they will not stand, I believe, for their government telling them what they can or can not watch. They believe, quite rightly, that that is their choice to make.

In conclusion, I have not come here today, Mr. Chairman, to deny that televised violence is a major problem and its proper depiction is a matter of concern. Gratuitous or antisocial violence has no place on any Fox broadcasting programming.

As you know, we are also supporting a number of additional industrywide approaches, including that announced yesterday, designed to reduce overall levels of violence and to further inform and empower parents to supervise the viewing of their children.

On behalf of Fox, I pledge to continue to work with my colleagues and the industry at this table and elsewhere in the industry and with you to continue to address this important issue.

Thank you, very much.

Mr. MARKEY. Thank you Mr. Vradenburg, very much.

[The prepared statement of Mr. Vradenburg follows:]

STATEMENT OF GEORGE VRADENBURG, III, EXECUTIVE VICE PRESIDENT, FOX, INC.

Good morning. My name is George Vradenburg. I am executive vice president of Fox, Inc. I wish to thank you for inviting me here this morning to testify on behalf of Fox on the subject of violence on television.

We at Fox Broadcasting Company have been aware and concerned about the depiction of violence in our programs since our inception. Regrettably, violence always has been and is likely always to be part of our society. It is also an important part of the creative process of comedy and dramatic storytelling. Television, which both reflects our society and helps us interpret it, cannot and should not, therefore, avoid the use of violence. But gratuitous or excessive or anti-social depictions of violence have no place in our programs.

Our record at Fox Broadcasting is, in my judgment, good, but we are not perfect and do not claim to be. We at Fox Broadcasting are determined to be part of the continuing solution to this problem. As a result, we have taken the following addi-

tional steps beyond our existing program development and broadcast standards efforts:

- Supporting the broadcast networks' and NAB's violence standards and codes;
- Subscribing to the proposed new Advanced Parental Advisory plan, announced yesterday, for unexpected, graphic or pervasive depictions of violence;
- Participating in the "Industry Awareness" efforts of the MPAA in the creative community, efforts designed to reduce violence levels while maintaining the industry's historic commitment to creative excellence and program diversity;
- Additionally, we plan to participate actively in the August 2 industry conference designed to develop further industry-wide initiatives to address this issue.

We would also welcome a voluntary industry-wide effort to develop a discriminating, easy-to-use "program lock-out" system to permit parents to deny children unsupervised access to individual programs. We commend that approach in lieu of an inflexible "V-chip" which, in combination with a "V-ratings" system, would indiscriminately black out all programs reported to depict any violence, without regard to context or program content or any other consideration.

Let me make three points to elaborate on this approach:

First, we as a society should not, in my judgment set as our goal the elimination of all depictions of violence on television. Many of the reasons for the use of violence on television are, in my view, entirely proper.

In fictionalized programming, violence can appropriately be used as a creative device to dramatize human emotions and behaviors—conflict and confrontation, jeopardy and danger, revenge and retribution. The device is as old as storytelling itself—it is as critical to our ability to retell the story of slavery or the Holocaust as it is to the creative excellence of last years' Academy Award winning picture "Unforgiven."

Even in the comedic form, violence can appropriately be used as a device for exaggeration and parody—important to the humor of "Home Alone", "The Simpsons" and "The Three Stooges."

And in sports and news broadcasts, televised violence simply reflects actual events.

To eliminate these depictions of violence from television, then, would turn television into an antiseptic "Brady Bunch" fantasy world where conflict and confrontation are absent. Television would become vacuous, irrelevant to our daily lives.

Second. In our society, adults are appropriately empowered to make their own program choices, but children may sometimes need the aid and supervision of their parents. Adult viewers can understand the context in which violence is being depicted, and can and do "turn off" any violence that they find offensive or distasteful. Children, on the other hand, may not always appreciate the context in which prime time violence is typically, sometimes realistically, depicted. Whether such depictions are useful to a child's understanding of society or harmful to a child's development will depend on many factors: the nature of the program, the context in which the depiction of violence occurs, the age and maturity of the child and the availability of the parent to discuss the program. The choice of whether any individual program should be viewed by a particular unsupervised child is appropriately that of the parent or other responsible adult.

Third and therefore. We as an industry ought to put in the hands of parents the information and means needed to manage the unsupervised viewing of their children. If the parent or other responsible adult is available to supervise the child's viewing, that adult can exercise viewing choices through information contained in program guides or advisories or, more likely, through their own viewing experience or that of friends or neighbors.

If children are unsupervised, the parent whose child cannot be relied upon to adhere to parental instruction may need a mechanical means to "block" that child's access to what that parent regards as an unsuitable program. Existing "channel block" or "time block" technology in many current TV sets allows a parent to do just that. We would welcome a voluntary industrywide effort to develop an even more discriminating, easy-to-use technology than exists today to permit a parent to deny his or her child access to an individual or particular program. There are several different approaches to do this. Each has different features, costs and implementation issues. All should be explored by the affected industries.

We do not support the use of a government-mandated "V-chip"/"V-ratings" system, for two primary reasons:

The approach is inflexible. It only allows a parent indiscriminately to lock-out all "V-rated" programs—or none, without regard to program content or context or dramatic or comedic merit. One need only recall that in a Gerbner-defined world of violence, the 25th anniversary show of Rowan & Martin's "Laugh-In" is one of the country's most violent programs. In a "V-chip, V-rated" world as defined by Gerbner,

all of "The Ten Commandments", "The Simpsons" and "Murder in the Heartland" are blacked-out, or none are. In such a world, a parent could choose indiscriminately to black-out 50 percent of situation comedies, 25 percent of newsmagazines, and most sports and news broadcasts, or to blackout nothing.

The approach depends on a massive ratings system involving hundreds of thousands of hours of programs a year, a number that will escalate with the proliferation of TV and cable channels.

In summary, the "V-chip, V-ratings" system would be inflexible and costly. Because of its primitive and non-discriminating character, a V-chip would rarely, if ever, be used. It is not a means for empowering parents, but for enfeebling them.

One final comment. The issue of violence on television is in my view, the responsibility of industry and parents. It is not the province of government regulation. The American people have been lectured over the years about TV's "nattering nabobs of nihilism" or about the affront to "family values" of Murphy Brown's single parenthood. The American people may not like some of our programming; we know, they tell us, with their selector switches and their calls and letters. But they will not stand, I believe, for government telling them what they can and cannot watch or what choices they should or should not make for their children. They believe quite correctly, that is their choice to make.

In conclusion, I have not come here today to deny that televised violence is a major problem and its proper depiction on television a matter of continuing concern. We at Fox fully recognize the importance of the issue and accept the responsibility for establishing limits on how we present violence in our programming. We also support a number of additional industry-wide approaches designed to reduce overall levels of violence and to further inform and empower parents to supervise the viewing of their children.

On behalf of Fox, I pledge to continue to work with my colleagues, at this table and elsewhere in the industry, and with you, to continue to address this important issue. Thank you very much.

Mr. MARKEY. Our next witness is Mr. Tony Cox, who is chairman and CEO of Showtime Networks Incorporated. Showtime owns and operates both Showtime and the Movie Channel and FLIX. And Showtime endorses the concept of fully informing viewers of a program's content.

We look forward to receiving the cable industry's perspective on the issues before us and welcome you back, Mr. Cox. Whenever you are ready, please begin.

STATEMENT OF WINSTON H. COX

Mr. COX. Thank you. Good morning.

As you know, my name is Tony Cox, and I am chairman and chief executive officer of Showtime Networks. I also serve as chairman of the National Cable Television Association's Satellite Network Programmers Committee, which coordinates the interests of nearly all the satellite programming networks who license their programming services for carriage by cable operators. There are nearly 40 network members of this committee.

To start, I would like to speak to you from my position as chairman of NCTA Satellite Programmers Committee. And on behalf of that committee, I would like to thank Chairman Markey for his remarks about the efforts being made by the cable industry on the subject of television violence. In response to the Television Program Improvement Act of 1990, cable networks under the auspices of the NCTA, commissioned Dr. George Gerbner to conduct a study about violence in programming produced originally for cable television. That study was completed this past winter.

On the plus side, it shows that cable-originated children's programming was less violent than children's programming on the broadcast networks. However, the study also showed that the level

of violence on cable-originated programming as a whole was about the same as the level on the broadcast networks.

The satellite network programmers have, thus, developed a four-point plan to focus on the issue. As an initial step, we adopted an industry policy statement regarding violence, a copy of which has been submitted with my written testimony. The second step was to encourage, actively, each of our 38 cable network members to develop, by the end of this year, its own written program standards and guidelines for those networks that did not already have them.

The third step was a commitment to active participation by the basic and premium cable networks in the August 2 network conference. I, along with other industry leaders, will be panelists and speakers at the Los Angeles meeting. Finally, the Satellite Network Programmers Committee has commissioned a follow up study which we intend to conduct in 2 years after allowing enough time for the development of new cable programming to assess whether the level of violence on cable-originated programming has diminished.

I think these steps demonstrate the seriousness with which we are treating the issue of television violence. It disturbed me to hear criticisms by some that the cable programmers are not doing enough. And I appreciate Chairman Markey's recent comments, recognizing the cable industry in this area.

Let me turn now to Chairman Markey's two-part proposal and to Showtime's views on it. As I understand, the proposal recommends that the television industry adopt and implement a unified ratings system to give viewers the information they need to make informed viewing choices.

The proposal would also mandate that new television sets contain technology capable of blocking out selected programs or channels. We support these two concepts. Fully informing viewers of a program's contents so that each viewer can intelligently select which programs to watch—and enlisting the aid of technology so that no viewer finds him or herself unwittingly exposed to television programs he or she chooses not to view—these concepts are and have long been at the core of Showtime's policy concerning violence or any other potentially objectionable material in its programming.

What an individual chooses to read or think or say or view is ultimately not for us to decide. Let me stress that an important distinction here is individual choice. To choose suggests a knowledge of what those choices may be. The issue at hand is how do we in the medium of television do a better job of informing our viewers of exactly what their choices are?

I don't believe our goal should be to control or censor the content of television or any other form of expression but rather to provide significant information to our viewers so that they can decide for themselves. To this end, Showtime Networks and other premium services such as HBO, long ago, created guidelines for our programming services concerning the promotion and scheduling of programs that contain violence or mature themes. We also, long ago, at least 15 years now, adopted the practice of providing viewers with on air advisories and guide listing information in much the

same ways the broadcast networks committed themselves yesterday.

To provide our subscribers information about a program so that they may wisely exercise their election to view or not to view a particular program, we precede each exhibition of a motion picture with an on-screen visual stating the picture's MPAA rating.

For programs that are not rated, we have developed our own form of advisory, and we do precede each exhibition of these programs with an on-screen viewer advisory when we feel it is warranted.

In addition, in program guides that we produce and in the program schedules that we furnish to other television listing publications and services, we include MPAA ratings for motion pictures along with a brief explanation as to why parental discretion might be desirable.

Our efforts to minimize children's exposure to violence on television do not stop at on-screen and printed ratings and advisories. Every month various executives, including myself, meet to decide the time of day appropriate for each program's exhibition. We know that children are more likely to watch television unsupervised during the day and early evening, so we are sensitive to programs that are exhibited before 8 p.m.

Because the viewing public generally understands R-rated motion pictures to be adult in content, we do not exhibit any R-rated motion pictures before this hour on Showtime. In fact, our evaluation of a program may lead us to decide that it shouldn't be scheduled until after 9 p.m., 10 p.m., or even later.

Similarly, we are sensitive in scheduling promotional information about our movies and original programs. When promoting programs that are violent, we have occasionally created two versions of a promo; one for day time and the other more suitable for exhibition at night.

Some programs are deemed unsuitable for promotion in the day time, regardless of the content of the promo itself.

And, finally, we do not promote R-rated motion pictures adjacent to or near any program designed for children's viewing.

We feel that Showtime has already implemented, essentially, the type of ratings and advisory approach recommended by Congressman Markey's proposal. And we believe that we have gone further in helping to ensure that children are not unwittingly exposed to violence or otherwise objectionable programming.

While I strongly support the philosophy of giving viewers sufficient information to make informed choices, and I do and have recommended that on a voluntarily basis all the premium and basic networks develop appropriate advisory systems and appropriate scheduling and promotional policies, I have some reservations about whether a singular standard system can be administered for all television networks.

There are certain practical difficulties that would make the system unwieldy, if not impossible, to administer. For example, it would not be feasible for a third party to review and issue an appropriate advisory for every program to be exhibited on television, even if certain broad categories of programming were to be excluded from review. There is simply too much programming.

I, therefore, think that a better approach might be to have the television networks together devise appropriate guidelines as to when each advisory should be applied. And then after the system has been established, each network would, on a voluntary basis, review its own programs and apply appropriate advisories in accordance with the established guidelines.

This self-administered system could be periodically reviewed to determine if it was working and make any necessary adjustments. I have confidence that marketplace forces will cause a system like this to be widely used.

Just as I support the premise that it is critical to give the viewer sufficient information to allow informed viewing decisions, I agree that technology can play an important role in helping a parent ensure that a child will not inadvertently be exposed to an objectional program.

I know that members of your staff have had the opportunity to attend a demonstration of the StarSight technology, in which Viacom has a substantial investment. The StarSight electronic navigator is capable of performing this blocking function, along with many other functions unrelated to program blocking.

Even today there are many protections built into the process by which a person chooses to subscribe to view a premium network such as Showtime. With broadcast television, viewers have access to programming they did not expressly invite into their homes. They need only push the "on" button of their television sets and turn the channel selector to receive all of the over-the-air channels.

The intrusiveness of over-the-air broadcasting is less applicable to the cable networks, whether basic or premium. With basic cable, viewers must first make a conscious choice to receive a package of basic programming, and they must pay to receive it. And many cable networks specialize in offering niche or genre programming and actively promote themselves as offering that particular type of programming. Cable subscribers are not, therefore, apt to be surprised by the programming on, say, a Nickelodeon, ESPN, or CNN.

However, since most basic cable networks are currently purchased on a bundled basis, together with other basic cable networks, a consumer, indeed, may find that he or she has access to unwanted networks. Any cable subscriber who does not want the ability to view a particular program service, however, can obtain from his cable operator a parental control device to lock out selected cable channels.

The world of premium television, which includes Showtime, has even greater safeguards built into it. In order to view a premium service, consumers must make an affirmative election to subscribe to that specific network and must pay a specific fee each month for that service.

No one is surprised to find Showtime or HBO in their homes. And if our subscribers find our programming to be unsuitable or unappealing, they easily exercise the ultimate act of control and personal responsibility; they cancel their subscription without sacrificing any of their own viewing options.

In some ways, the V-chip which would permit a particular program to be rendered incapable of being viewed is a logical extension of these technological and marketing features already in place.

If carefully used by fully-informed viewers, particularly parents of young children, the V-chip could be a useful technology.

I must tell you that I have some reservations about the effectiveness of the chip. My principal doubt is simply whether anyone will use it. Our experience with the existing blocking capabilities suggests that people are not interested in using them. Cable operators report minimal use of the cable control devices that are available to every cable subscriber upon request.

The new cable act requires cable operators to notify subscribers of any free preview that will include R-related material. In a test that we conducted, we notified 70,000 subscribers of such a free preview and of their blocking rights. Of those 70,000 homes, only four subscribers asked to block the preview. It would seem that people are not interested in taking advantage of these blocking technologies.

In conclusion, we, like everyone, are concerned about the level of violence in our society and the contribution that the viewing of violence on television makes to that violence.

We are and will continue to make every effort to be responsible premium television programmers.

Thank you for the opportunity to share these views.

Mr. MARKEY. Thank you, Mr. Cox, very much.

[Testimony resumes on p. 244.]

[The prepared statement and attachments of Mr. Cox follow:]

TESTIMONY OF

WINSTON H. COX

CHAIRMAN, CHIEF EXECUTIVE OFFICER
SHOWTIME NETWORKS INC.

Good morning, Mr. Chairman and members of the Subcommittee. My name is Winston Cox, and I am Chairman and Chief Executive Officer of Showtime Networks Inc. Showtime Networks, which is a subsidiary of Viacom International Inc., owns and operates three subscription premium television networks -- Showtime, The Movie Channel and FLIX, as well as a "multiplexed", or second, channel of Showtime. Showtime also operates Viacom's one-half interest in All News Channel, a 24-hour news service. I have held my position with Showtime for six years.

I also serve as Chairman of the National Cable Television Association's (NCTA) Satellite Network Programmers Committee, which coordinates the interests of nearly all the satellite programming networks who license their programming services for carriage by cable operators. There are nearly forty network members of this Committee (a list of these member networks is attached to my written testimony). In addition to being Chairman of this Committee of the NCTA, I am a member of the Board of Directors and the Executive Committee of the NCTA. I also serve on the Board of Directors of All News Channel, as well as the Board of Directors of Lifetime, a basic network in which Viacom has a one-third interest.

Before coming on board at Showtime, I spent eight years at Home Box Office in a variety of positions, the last of which was President of the Network Group. Prior to that I worked at Time

Incorporated in magazine publishing with Life, Money and People magazines.

As you may know, last winter I testified on the topic of violence on television before Congressman Schumer's House Judiciary Subcommittee on Crime and Criminal Justice. Frank Biondi, President and Chief Executive Officer of Viacom International Inc. has also recently testified on this issue before the Senate Judiciary Subcommittee on the Constitution. As you can see, Showtime and Viacom are pleased to participate in dialogues on this important topic and have been vocal and visible industry spokespersons. I welcome this additional opportunity to discuss our mutual concerns about the viewing by children of violent programs on television and to share with you our views about Congressman Markey's two-part proposal which is aimed at lessening children's access to violent television programming.

To start, I would like to speak to you from my position as Chairman of the NCTA Satellite Network Programmers Committee. And, on behalf of that Committee, I would like to thank Chairman Markey for his remarks about the efforts being made by the cable industry on the subject of television violence. In response to the Television Program Improvement Act of 1990, which enabled television producers, programmers and distributors to collectively examine the issue of violence on television, cable networks, under the auspices of the NCTA, commissioned Dr. George Gerbner of the

Annenberg School for Communication, a recognized expert in the field, to conduct a study about violence in programming produced originally for cable television. That study, which required a significant amount of time and coordination by myself and others, was completed this past winter. On the plus side, it showed that cable-originated children's programming was less violent than children's programming on the broadcast networks; however, the study also showed that the level of violence on cable-originated programming, as a whole, was about the same as the level of violence on the broadcast networks. (A copy of Dr. Gerbner's study is attached to my written testimony.)

The Satellite Network Programmers have thus developed a four-point plan that focuses on the issue of televised violence. As an initial step, we adopted an industry policy statement regarding violence, a copy of which is attached to my written testimony. The second step of our plan was to encourage actively each of our 38 cable network members to develop, by the end of this year, its own written program standards and guidelines, for those networks that did not already have them.

The third step was a commitment to active participation by the basic and premium cable networks in the August 2nd Industry-Wide Leadership Conference on Violence in Television Programming to be held in Los Angeles. A number of the cable programmers have spent countless hours to date, working with their colleagues in the

broadcasting and production communities, to develop a meaningful agenda and to assure the turnout by the leaders of the entertainment industry. I, along with other cable industry leaders, will be panelists and speakers at the Los Angeles meeting. We have every expectation of emerging from that conference with some positive results. Finally, the Satellite Network Programmers Committee has committed to commissioning a follow-up study (which we intend to conduct in two years, after allowing enough time for the development of new cable programming) to assess whether the level of violence on cable-originated programming has diminished. We have also been in active discussions over the issues you have asked me to address on behalf of Showtime Networks.

I think these steps demonstrate the seriousness with which we are treating the issue of television violence. It disturbs me to hear criticisms by some that the cable programmers are not doing enough, and I appreciate Chairman Markey's recent comments recognizing the cable industry's efforts in this area. I would also like to add a note here about cable's unique ability to provide "niche" television networks that exhibit one particular genre of programming to a specifically targeted audience. Only on cable television can a viewer find entire program services devoted exclusively to sports, government affairs, science, news, the arts or children. For example, according to industry information, over 70% of all television programming created for children is on cable. Whether it is Nickelodeon, CNN, ESPN, C-Span, Discovery, Arts and

Entertainment, or Bravo, let's not forget all the benefits that cable television has given to the viewing public when we think about all of these issues.

Let me now turn specifically to Congressman Markey's two-part proposal and to Showtime's views on it. As I understand, the proposal recommends that the television industry adopt and implement a unified rating system (akin to the Motion Picture Association of America's (MPAA) rating system), to help give viewers the information they need to make informed viewing decisions. The proposal would also mandate that new television sets contain technology capable of blocking out selected programs or channels.

These two concepts -- fully informing viewers of a program's content so that each viewer can intelligently select which programs to watch, and enlisting the aid of technology to ensure that no viewer finds him- or herself unwittingly exposed to television programs he or she does not wish to view -- are, and have long been, at the core of Showtime's policy concerning violence (or any other potentially objectionable material) in its programming. Accordingly, we endorse the concepts underlying this two-pronged plan. We differ with Congressman Markey, however, on certain specifics of the plan, which I will discuss over the next few minutes.

Consistent with our viewers' preferences and the important rights and principles embodied in the First Amendment, Showtime's programming reflects a wide range of ideas and expressions. We believe that the depiction of violence in any medium -- be it print, on the stage, on movie screens or television screens, including cable television -- is a legitimate representation of what is, unfortunately, a part of our lives, so long as it is not gratuitous or treated as an easy solution to human problems. Therefore, motion pictures and television programs containing violence are and should be available as part of our program offerings to our subscribers, especially to informed subscribers.

What an individual chooses to read, or chooses to listen to or think or say, is, ultimately, not for us to decide. Let me stress that an important distinction here is individual choice. To "choose" suggests a knowledge of what those choices may be. The issue at hand is: how do we, in the medium of television, do a better job of informing our customers of exactly what their choices are? I don't believe our goal should be to control or censor the content of television or any other form of expression. But, given the ubiquitous nature of certain forms of television, those of us in the television business do have a responsibility to provide enough information to our viewers so they can decide for themselves. And, particularly, with respect to the ubiquitous free broadcast television medium, I also think it might make some sense to provide some technological help to parents who need help in

controlling the inadvertent intrusion of unwanted programming into the home.

To this end, Showtime Networks, and other premium services such as HBO, long ago created guidelines for our programming services concerning the promotion and scheduling of motion pictures and other programs that contain violence or mature themes. We also, long ago, adopted the practice of providing viewers with on-air advisories and guide listing information in much the same way as the broadcast networks committed themselves to yesterday.

Under Showtime's guidelines, we do not exhibit any program that we believe to be outside socially accepted standards of entertainment, or any program that is gratuitous or excessive in either violent or sexual content. It is also our policy not to exhibit any picture rated "X" or "NC-17" by the MPAA, or any unrated picture that we believe would qualify for either of those ratings.

To provide our subscribers with information about a program, so that they may wisely exercise their election to view or not view a particular program, we precede each exhibition of a motion picture with an on-screen visual stating the picture's MPAA rating. Approximately two-thirds of the programming on Showtime, and virtually all of the programming on The Movie Channel and FLIX, consists of theatrical motion pictures -- thus the vast majority of

programming on all of our networks is preceded by a graphic indicating the picture's MPAA rating. For original programs, which generally are not rated by the MPAA, we have developed our own form of advisory and we precede each exhibition of these programs with an on-screen viewer-advisory when we feel that parental discretion is warranted.

In addition, in the program guides that we produce and in the program schedules we furnish to other television listing publications and services, we include MPAA ratings for motion pictures (along with a brief explanation as to why parental discretion may be desirable for a particular picture) and our own advisory for original programs, where warranted. We also inform the cable customer sales representatives who sell our program services at local cable systems about our program selection and scheduling policies, and these sales reps communicate our policies to potential subscribers.

Our efforts to minimize children's exposure to violence on television do not stop at on-screen and printed ratings and advisories. Every month various programming, acquisition, scheduling and other executives, including myself, meet to decide (among other things) the time of day most appropriate for each program's exhibition. We know that children are more likely to watch television during the day and early evening, so we are sensitive to programs exhibited before 8:00pm. Because the

viewing public generally understands "R"-rated motion pictures to be adult in content, we do not exhibit any "R"-rated motion pictures before this hour (in the Eastern and Pacific time zones) on Showtime, our "flagship" service. In fact, our evaluation of a program may lead us to decide that it should not be scheduled until after 9pm, 10pm, or even later.

Similarly, we are sensitive in scheduling promotional information about our movies and original programs. For example, when promoting some programs with violent or otherwise mature subject matter, we have occasionally created two versions of a promo -- one for daytime use, another more suitable for exhibition at night. Some programs are deemed unsuitable to be promoted during the day, regardless of the content of the promo itself. Finally, we do not promote "R"-rated motion pictures (or comparable original programs) adjacent to or near any program designed for children's viewing -- not even with a promo otherwise suitable for daytime viewing.

We feel that Showtime Networks has already gone a long way in creating and implementing essentially the type of ratings and advisory approach recommended by Congressman Markey's proposal, and indeed, when combined with our scheduling and promotion policies, we believe that we have even gone further in helping to ensure that children are not unwittingly exposed to violent or otherwise objectionable programming. We recognize, of course, that we can

still do more, and we are always re-examining our policies and practices with an aim to providing our subscribers with even greater information about their programming choices.

As you have noticed, I have been discussing the ratings, advisory, scheduling and promotional scheme presently in place at Showtime. While I strongly support the philosophy of giving viewers sufficient information to make informed choices, and I do and have recommended that, on a voluntary basis, all the premium and basic (and broadcast) networks develop appropriate advisory systems and appropriate scheduling and promotional policies, concerning violence, I have concerns about whether a singular, standardized system can be administered for all television networks.

There are certain practical difficulties that would make such a system tremendously unwieldy, if not impossible, to administer. For example, it would not be feasible for an independent third party agency (similar to an MPAA) to review and issue an appropriate advisory for every program to be exhibited on television, even if certain broad categories of programming were to be excluded from review. It is my understanding that the MPAA reviews and rates approximately 1,000 hours of motion pictures per year; a comparable organization charged with reviewing all applicable television programming would have to review tens of thousands of hours of programming a year. And, while the MPAA has

weeks in advance of a picture's scheduled theatrical release to review and rate a picture, a television-rating organization might frequently have only days, or even hours, in which to perform a similar function. And, in the case of live programming, there would be no lead time for a third party to conduct its evaluation.

I therefore think that a better approach might be to have the television networks together devise appropriate advisories concerning violence and guidelines as to when each advisory should be applied. Then, after the system has been established, each network individually would, on a voluntary basis, review its own programs and apply appropriate advisories in accordance with the established guidelines. This self-administered system could be periodically reviewed to determine whether it is working and to make any necessary refinements. I have confidence that marketplace forces will cause a system like this to be widely used.

Just as I support the premise that it is critical to give the viewer sufficient information to allow informed viewing decisions, I agree that technology can play an important role in helping a parent ensure that a child will not be inadvertently exposed to an objectionable program. I know that members of your staff have already had an opportunity to attend a demonstration of the StarSight technology, in which Viacom has a substantial investment -- an interactive, on-screen electronic program guide and one-touch VCR recording system. The StarSight "electronic navigator" is

capable of performing this blocking function, along with many other functions unrelated to program blocking.

Even today, there are many protections built into the process by which a person chooses to subscribe to and view a premium television network such as Showtime. With broadcast television, viewers have access to programming they did not expressly invite into their homes. They need only push the "on"-button of their television sets and turn the channel selector to receive all of the broadcast channels. The intrusiveness of network broadcasting places a special burden and responsibility on broadcasters to be sure that their viewers are not surprised by what they see.

The intrusiveness of the over-the-air broadcaster is less applicable to the cable networks, whether basic or premium. With basic cable, viewers must first make a conscious choice to receive a package of basic cable programming, and they must pay to receive it. And, as I mentioned earlier, many cable networks specialize in offering "niche" or "genre" programming, and actively promote themselves as offering that particular type of programming; cable subscribers are therefore not apt to be surprised by the programming on, say, a Nickelodeon, ESPN or CNN.

However, since most basic cable networks are currently purchased on a "bundled" basis together with other basic cable networks, a consumer indeed may find that he or she has access to

certain unwanted networks along with the desired ones. Any cable subscriber who does not want the ability to view a particular program service, however, can obtain from his cable operator a "parental control device", which can be activated by the subscriber to "lock out" selected cable channels. We expect that the interactive cable systems of the future will have expanded capabilities for subscriber selection. Some satellite-delivered services today can transmit electronically-coded programs to backyard TVRO dish owners identifying all MPAA-rated programs by their MPAA ratings; viewers may then program their descrambling equipment to block all programs containing a particular code.

The world of premium television, which includes Showtime's networks, has even greater "safeguards" built into it. In order to view a premium service, consumers must make an affirmative election to subscribe to that specific network and they must pay a specific fee each month for that service. No one is surprised to find Showtime or HBO in their homes, as they might be with a broadcast network or even some basic cable networks. And, if our subscribers consider our programming to be inappropriate, unsuitable or unappealing, they easily exercise the ultimate act of control and personal responsibility -- they cancel their subscription without sacrificing any of their other viewing options.

In some ways, the "v-chip" (which would permit a particular program to be "blocked" or rendered incapable of being viewed) may

be simply a logical extension of these technological and marketing features already in place. If carefully used by fully-informed viewers, particularly parents and guardians of young children, the "v-chip" could be another useful tool for helping them implement the viewing choice they have made for their children.

I must tell you, however, that I have doubts about the effectiveness of the "v-chip." In considering whether a "violence block" can be effective, including cost-effective, many practical issues -- such as, technological feasibility, compatibility, usage, and the replacement of existing television sets -- will have to be further explored.

My principal doubt about the efficacy of the "v-chip" is simply whether anyone will use it. Our experience with the existing "blocking" capabilities suggests that people are not very interested in using them. For example, cable operators report minimal use of the parental control devices that are readily available to every cable subscriber upon request. Also, as you know, the new Cable Act requires cable operators to notify subscribers in advance of any free preview that will include "R"-rated material and advise them of their right to have that preview blocked. In a test we conducted before the Act became effective, we notified about 70,000 subscribers of such a free preview and of their "blocking" rights. Of those 70,000 homes, only four subscribers asked to block the preview. It would seem that the "v-

chip" may not be an effective solution, if people are not interested in taking advantage of these blocking opportunities.

* * * * *

We, like everyone, are concerned about the level of violence in our society, and the contribution that the viewing of violence on television may make to that level of violence. We are, and will continue to make every effort to be, responsible premium television programmers. In thinking about all of these issues, however, we should not lose sight of the First Amendment to our Constitution and the values behind it -- namely, that our society benefits from encouraging artists and speakers to express and communicate the widest possible range of ideas, and that each listener has the right to receive as much, or as little, information (including entertainment) as he or she desires. We therefore believe that our responsibility is to make every effort to ensure that a Showtime or Movie Channel subscriber is properly informed and properly advised about the content of our programs. Then it becomes their choice, their responsibility, to decide whether they want to view a program or not.

Thank you for the opportunity to share these views.

VIOLENCE IN CABLE-ORIGINATED TELEVISION PROGRAMS
A Report to the National Cable Television Association

by
George Gerbner
The Annenberg School for Communication
University of Pennsylvania

How much violence is there on dramatic television programs that cable companies produce? The short answer is that cable-originated children's programs have substantially less violence than can be seen on broadcast networks; some other (especially "action") programs have more violence. The overall Violence Index is about the same on cable-originated as on broadcast network programs.

The research that reached these conclusions and its full findings can best be interpreted in a context that places the cable industry in a comparative perspective and focuses on the purposes of this study.

Comparative Perspective

A child is born into a home in which the television set is on an average of seven hours a day. Viewing is an integral part of the family's style of life and leisure-time habits. Most of the programs typically come from broadcast television. They are watched just by turning on the set and tuning it to a program on one of the few broadcast channels available. No further decision or selection is necessary, or, in many cases, possible. The choices are limited. The more viewers watch the more of all available types of programs they must see, and the less selective they can be. Regular viewers of broadcast television, and their children, can hardly escape recurrent features of the world of television such as violence.

Cable, on the other hand, presents at least three levels of choice. First, the family must make a conscious decision to receive basic cable programming, and must pay to receive it. About 6 out of 10 American households have made that choice. (A specific unwanted basic cable channel can even be "locked out" by a "parental lock device" available from cable operators.)

Secondly, if a family wishes to subscribe to a premium cable service, it must make further deliberate decisions and selections. Some premium networks use the Motion Picture Association's rating system and other advisories to guide viewers. Premium television subscribers are unlikely to find themselves unwittingly exposed to programming for which they did not ask or pay.

Finally, unlike broadcast television, cable is a highly diversified industry with many specialized channels and

potentially hundreds of choices. Viewers can select and watch specialized cable channels of their selection as long as they like without encountering programs or features they did not wish to see.

Levels of choice and selectivity are closely associated with legal and social responsibility. In the total orchestration of cultural materials, print offers the largest number of different independent sources and thus the widest choice. The First Amendment to the U.S. Constitution protects that diversity. The protection accorded to the sources and the diversity of choices places the primary responsibility on the selector. Broadcast television, on the other hand, operates on scarce radio frequencies and can offer only a limited number of sources and fewer choices. That is why it is a government licensed trusteeship. The law charges broadcast license holders with primary responsibility for programming that serves "the public interest, convenience, and necessity."

Cable occupies a broad area between these two poles. Some cable channels operate virtually like electronic magazines while others are closer to -- but not identical with -- broadcast television. The higher levels of decision-making and selectivity involved in cable viewing places more responsibility for choosing on the viewer. Nevertheless, the cable industry's recognition of its share of responsibility for what goes into American homes, and especially for the most popular entertainment programs it produces, prompted the National Cable Television Association (NCTA), in consultation with its Satellite Network Committee, to commission this independent study.

The Study

The study was conducted by the Cultural Indicators research team at The Annenberg School for Communication, University of Pennsylvania. The director of the study is the originator of the Cultural Indicators project, and co-principal investigator (with Profs. Larry Gross, University of Pennsylvania; Michael Morgan, University of Massachusetts, Amherst; and Nancy Signorielli, University of Delaware) of the Violence Index employed in this study.

The Violence Index is an ongoing effort of the Cultural Indicators project initiated by the National Commission on the Causes and Prevention of Violence in 1969 and supported by the Surgeon General's Scientific Advisory Committee on Television and Social Behavior, the National Institute of Mental Health, the White House Office of Telecommunications Policy, the American Medical Association, the U.S. Administration on Aging, the National Science Foundation and other organizations.

Violence was defined as clear-cut and overt episodes of physical violence -- hurting or killing or the threat of hurting and/or killing -- in any context. Annual week-long samples of broadcast network dramatic programming have been analyzed since 1967. The sample included films and other dramatic programs shown on television (action, comedy, drama), and children's cartoon and other dramatic programs. "Dramatic" was defined as fictional programs with a storyline or plot. "Cable-originated" was defined as those programs, including feature movies, in whose production cable networks had a substantial financial interest.

Videotaped programs in the samples were screened and coded by trained analysts using an extensively tested instrument of analysis. The instrument requires the reliable observation by independent coders of many aspects of all programs and characters in the sample. Detailed descriptions of methodology can be found in prior reports listed in the Bibliography.

The samples

The cable program sample assembled for this study consisted of tapes of cable-originated dramatic programs supplied by 11 of the largest cable networks. The time period selected for the sample was the weeks of October 20, November 3 and November 10, 1991. The total cable sample consisted of 198 programs and 107.6 program hours. The comparison sample of prime time and weekend daytime (children's) dramatic programs of the three major broadcast networks (ABC, CBS and NBC) consisted of 94 programs and 54.8 program hours that had been taped off the air as part of the Cultural Indicators project.

The request for the taped cable samples was made after many of the programs had been aired and all programs advertised so that programming could not reflect anticipation of this study. Inquiries to cable networks confirmed that no special circumstances interfered with making the samples representative of programming in general. Published program logs were reviewed to ascertain that cable-originated programs shown during the sampling period were included in the sample. A list of networks and programs included in the sample is in the Appendix.

A survey of the largest broad-based basic and premium cable networks that show any dramatic programs found that cable-originated dramatic productions comprised 4 percent of all weekly hours and 6 percent of prime time hours of their total schedules.

Why cable-originated programs?

Cable-originated dramatic programs make up a small but significant part of the most popular and widely watched entertainment programming, including children's dramatic programs. It is the part created by the cable industry, and, therefore, the part for which the industry recognizes a special responsibility.

This study focused on cable-originated programs for two additional reasons. First, most dramatic programs seen on cable can also be seen on broadcast channels, in movie theaters, and on video. Cable plays no part in their creation. The analysis of the main body of such programming is already available in the periodic Violence Index reports of the Cultural Indicators project.

Secondly, isolating cable-originated programs helped focus more sharply on what cable contributes to the already existing dramatic media mix. The key question to which this study sought the answer was: what difference does cable make, with specific reference to violence?

The support and cooperation of the National Cable Television Association (NCTA) and the Satellite Network Committee made this study possible. Results and interpretation are the sole responsibility of the project director. For assistance and coordination, credit is due to Mariaelena Bartesaghi, Kristen Conrad, Cynthia Kandra, Amy Nyman and Nejlat Ozyegin.

Results

The detailed results of the study are in the Tables that follow this report. They are presented for cable-originated (CO) programs and for the three major broadcast networks (BC) combined.

Table 1 presents the comparative figures for children's and "general" (all other) CO and BC programs. Table 1A contains comparative data about "basic cable" networks only, with "premium networks" (HBO, Showtime, Disney) excluded. (All other Tables present findings for all cable-network originated programs.) Tables 2 and 3 divide the "general" category into "action" (crime, adventure, western), "comedy" (including sitcoms and skits), and "drama" (all other dramatic programs) for CO and BC programs.

The Violence Index (bottom line of each Table) combines measures of the prevalence and rate of violent acts and characterizations. (The components of the Index are also shown separately in the Tables.) The purpose of the Index is to facilitate overall comparisons. It shows that CO

children's programs were less violent than BC children's programs (196.0 compared to 244.2) but CO other ("general") programs were more violent than BC prime time programs.

The 1991 CO "general" programs Index was 169.2; the prime time BC network programs Index was 141.7. Although the CO score for 1991 was higher than BC score for the same year, the CO score was within the range of prime time BC network program Index scores for the past 10 years. (That range extends up to 181.1.)

A comparison of Tables 1 (all CO programs) and 1A (basic CO programs, excluding premium networks) shows that while most violence figures for basic only were slightly lower than for all CO programs, the differences were not significant. In other words, as far as cable-originated programming is concerned, the premium networks do not contribute significantly to violence on cable.

The combined Violence Index including both children's and other programs was slightly higher for CO programs (171.8) than for BC programs (169.6); a non-significant difference.

Children's programs

Figures in the first columns under Cable and Broadcast in Table 1 summarize the results. There was some violence in 76.9 percent of CO children's programs and in 82.5 percent of BC children's programs. The number of violent acts was 5.2 per program and 17.3 per hour in CO but 7.8 per program and 32.0 per hour in BC children's programs. CO children's programs were, on the whole, longer than BC children's programs. Larger number of shorter cartoons filled with violence accounts, in part, for the fact that BC children's program hours were about twice as saturated with violence as CO children's program hours.

Less than half (46.3 percent) of all CO children's program characters but more than half (55.6 percent) of all BC children's program characters committed violence. Victims of violence (usually more numerous than perpetrators) were even more likely to be found on BC children's programs: 74.4 percent compared to 55.6 percent on CO children's programs.

"General" programs

This category deals with all dramatic programs other than children's programs. Almost 7 out of 10 (69.9 percent) CO "general" programs and a little more than 7 out of 10 (74.1 percent) BC "general" programs contained some violence. However, the frequency of violence per program and especially per hour was substantially higher in CO than

in BC programs. While violence in BC programs occurred an average of about 3 times per program and 4 times per hour, violence in CO programs occurred an average of about 5 times per program and 9 times per hour. Violent characterization were also about 10 percent higher and victimization nearly 20 percent higher in CO than in BC programs. Killing on CO programs is almost twice as frequent as on BC programs. The specific sources of these findings can be seen in Tables 2 and 3 (CO and BC, respectively), and will be discussed by the different genres shown on those tables.

Action, comedy, and other drama

As might be expected, "action" (crime, adventure, western) programs are the sources of most violence. None is without violence. All measures of violence and victimization are higher than in the other genres, and are higher in CO than in BC programs. The greatest difference is in the frequency of violent acts per program hour. CO action programs feature an average of over 16 acts of violence per hour compared to about 10 in CO comedy and about 6 in CO drama. BC action programs present about 7 violent incidents per hour compared to 2.4 in comedy and 3.7 in drama.

These comparisons indicate that the second highest saturation of violence is in CO comedy. That appears to be an artifact of the many short comedy skits (including parodies, slapstick, etc.) in the CO sample. In fact, however, CO comedy programs have fewer violent characterizations than BC comedy programs and a substantially lower Violence Index (85.5 to 103.4).

Regular dramatic programs are, therefore, the second major sources of both CO and BC violence. About 8 out of 10 dramatic non-action, non-comedic programs contain violence in both CO and BC samples. The number of violent acts is also comparable, between 5 and 6 per program. CO dramatic programs, however, have a larger proportion of violent characterizations than BC programs (48.3 compared to 38.3 percent). These characters also claim more victims and inflict more lethal violence.

Summary

Cable-originated children's programs were less likely to contain violence than those produced by broadcast networks. Although nearly 77 percent of cable-originated children's programs still had some violence (compared to 82 percent on broadcast networks), they included only about half as many violent episodes per hour as did broadcast children's programs.

Other cable-originated dramatic programs were more likely to be violent than were prime-time broadcast network programs, though they fell within the 10-year range of such programs. Premium networks do not contribute significantly the cable-originated violence. Most cable-originated violence came from action programs, with regular dramatic programs second.

A comparison of the overall Violence Index for cable and broadcast programs in our sample shows that cable-originated programs do not add substantially to the level of violence in dramatic programs produced by other sources.

TABLE 1: VIOLENCE IN CABLE AND BROADCAST NETWORK
DRAMATIC PROGRAMS

	CABLE NETWORKS			BROADCAST NETWORKS		
	ChP ¹	Gen ²	Tot.	ChP ¹	PT ³	Tot.
Programs analyzed	26	172	198	40	54	94
Program HRS analyzed	7.9	99.7	107.6	9.7	45	54.8

PERCENT OF PROGRAMS WITH VIOLENCE (%P)	76.9	69.8	70.7	82.5	74.1	77.7
NO. OF VIOLENT ACTS PER PROGRAM (NVA/P)	5.2	5.3	5.3	7.8	3.4	5.2
NO. OF VIOLENT ACTS PER HOUR (NVA/H)	17.3	9.2	9.8	32.0	4.0	9.0

VIOLENT CHARACTERS	46.3	44.0	44.6	55.6	34.0	41.8
VICTIMS OF VIOLENCE	55.6	51.5	51.9	74.4	33.3	48.2
PERCENT INVOLVED AS VIOLENTS OR VICTIMS OR BOTH (%V)	70.4	60.3	61.5	78.9	47.2	58.6
PERCENT INVOLVED AS KILLERS OR KILLED OR BOTH (%K)	3.7	10.2	9.4	3.3	5.7	4.8

VIOLENCE INDICATORS						
Program score (PS)	122.0	98.8	100.9	162.0	88.9	106.2
PS=(%P)+2(NVA/P)+2(NVA/H)						
Character score (CS)	74.1	70.5	70.9	82.2	52.8	63.5
CS=(%V)+(%K)						
VIOLENCE INDEX (VI)	196.0	169.2	171.8	244.2	141.7	169.6
VI=PS+CS						

¹ Children's programs² General programs (not children's)³ Prime time programs

Table 1A: VIOLENCE IN BASIC CABLE AND BROADCAST NETWORK
DRAMATIC PROGRAMS*

	BASIC CABLE NETWORKS			BROADCAST NETWORKS		
	ChP ¹	Gen ²	Tot.	ChP ¹	PT ³	Tot.
Programs analyzed	12	148	160	40	54	94
Program HRS analyzed	4.8	73.9	78.7	9.7	45	54.8

PERCENT OF PROGRAMS WITH VIOLENCE (%P)	75.0	67.6	68.1	82.5	74.1	77.7
RATE OF VIOLENT ACTS PER PROGRAM (NVA/P)	5.3	5.1	5.1	7.8	3.4	5.2
RATE OF VIOLENT ACTS PER HOUR (NVA/H)	13.0	10.1	10.3	32.0	4.0	9.0

VIOLENT CHARACTERS	53.8	43.7	44.4	55.6	34.0	41.8
VICTIMS OF VIOLENCE	61.5	50.8	51.6	74.4	33.3	48.2
PERCENT INVOLVED AS VIOLENTS OR VICTIMS OR BOTH (%V)	73.1	59.4	60.4	78.9	47.2	58.6
PERCENT INVOLVED AS KILLERS OR KILLED OR BOTH (%K)	0.0	8.6	8.0	3.3	5.7	4.8

VIOLENCE INDICATORS						
Program score (PS)	111.6	98.0	98.9	162.0	88.9	106.2
PS=(%P)+2(NVA/P)+2(NVA/H)						
Character score (CS)	73.1	68.0	68.4	82.2	52.8	63.5
CS=(%V)+(%K)						
VIOLENCE INDEX (VI)	184.7	166.0	167.3	244.2	141.7	169.6
VI=PS+CS						

¹ Children's programs² General programs (not children's)³ Prime time programs

* "Basic Cable" excludes HBO, SHOWTIME, DISNEY

TABLE 2: VIOLENCE IN CABLE DRAMATIC PROGRAMS
BY PROGRAM GENRE CATEGORIES
(Excludes Children's Programs)

	Action ¹	Comedy ²	Drama	TOTAL
Programs analyzed	47	64	61	172
Program HRS analyzed	26.2	13.9	59.6	99.7

PERCENT OF PROGRAMS WITH VIOLENCE (%P)	100.0	37.5	80.3	69.8
NO. OF VIOLENT ACTS PER PRGRM (NVA/P)	9.0	2.2	5.7	5.3
NO. OF VIOLENT ACTS PER HOUR (NVA/H)	16.2	10.1	5.9	9.2

VIOLENT CHARACTERS	71.9	12.5	48.3	44.4
VICTIMS OF VIOLENCE	74.4	14.8	62.7	51.4
PERCENT INVOLVED AS VIOLENTS OR VICTIMS OR BOTH (%V)	89.9	21.1	68.0	60.3
PERCENT INVOLVED AS KILLERS OR KILLED OR BOTH (%K)	12.5	2.3	15.0	10.2

VIOLENCE INDICATORS				
Program score (PS) PS=(%P)+2(NVA/P)+2(NVA/H)	150.5	62.1	103.5	98.8
Character score (CS) CS=(%V)+(%K)	102.4	23.4	83.0	70.5
VIOLENCE INDEX (VI) VI=PS+CS	252.9	85.5	186.5	169.2

¹ Includes crime, adventure, and Westerns.

² Includes sitcoms and 49 comedy skits.

TABLE 3: VIOLENCE IN BROADCAST NETWORK DRAMATIC PROGRAMS
BY PROGRAM GENRE CATEGORIES
(PRIME TIME)

	Action ¹	Comedy ²	Drama	TOTAL
Programs analyzed	10	30	14	54
Program HRS analyzed	10	15	20	45

PERCENT OF PROGRAMS WITH VIOLENCE (%P)	100.0	63.3	78.6	74.1
NO. OF VIOLENT ACTS PER PROGRAM (NVA/P)	7.2	1.2	5.3	3.4
NO. OF VIOLENT ACTS PER HOUR (NVA/H)	7.2	2.4	3.7	4.0

VIOLENT CHARACTERS	63.9	17.1	38.3	34.0
VICTIMS OF VIOLENCE	58.3	22.4	31.9	33.3
PERCENT INVOLVED AS VIOLENTS OR VICTIMS OR BOTH (%V)	72.2	32.9	51.1	47.2
PERCENT INVOLVED AS KILLERS OR KILLED OR BOTH (%K)	8.3	0.0	12.8	5.7

VIOLENCE INDICATORS				
Program score (PS)	128.8	70.5	96.5	88.9
PS=(%P)+2(NVA/P)+2(NVA/H)				
Character score (CS)	80.6	32.9	63.8	52.8
CS=(%V)+(%K)				
VIOLENCE INDEX (VI)	209.4	103.4	160.4	141.7
VI=PS+CS				

¹ Includes crime, adventure, and Westerns.

² Includes sitcoms.

Mr. MARKEY. Our next witness Jim Hedlund, who is the president of the Association of Independent Television Stations. Mr. Hedlund will give us the perspective of the independent television stations. And they are, in fact, a key component of the broadcasting fabric of the country.

We very much are looking forward to having that perspective given to the subcommittee this morning.

We welcome you, sir.

STATEMENT OF JAMES B. HEDLUND

Mr. HEDLUND. Thank you, Mr. Chairman.

I will surprise you all and try to stick with the 5-minute rule.

It is always a pleasure to appear before you and the distinguished members of the subcommittee. And today is no exception to that.

Before I begin my testimony, I would like to thank you again, this time publicly, for spending a big chunk of Tuesday morning a week ago speaking to the general managers from INTV who were in town for an annual meeting. I think we had a tremendous session. And I hope you enjoyed the frank give and take we had as much as our members did. And I want to add to that, that I think that was a healthy dialogue and we are committed to continuing that.

Yesterday there was a substantial amount of media attention focused on a press conference arranged by the big three networks and Fox. I believe you and Senator Simon were there as well, as well as Mr. Valenti.

While we very seriously applaud the announcement that these companies made yesterday, I would like to remind you that INTV announced virtually identical guidelines nearly a month ago.

Now I know that you, Mr. Chairman, are aware of that, aware of INTV's leadership in it. But I wanted to bring it to the attention of your colleagues and, secondly, some of my colleagues at this table down here.

While I am not trying to get into a debate of who was first, I do resent the criticisms that the networks have been doing everything and the independents nothing, because as I say, we announced these guidelines at Senator Simon's hearing on June 7. And I think there is very little difference between the network guidelines and those adopted by INTV. But I don't think anything is served by getting into a debate as to who was first. But rather the important issue now is that all the other players in the television industry line up behind the proposals that have been put forth by INTV, the big three networks, and Fox.

Now, the purpose behind INTV's action, recommendations to its stations, was really twofold, two messages, so to speak. The first was clearly directed at all independent stations, and that was that they have an affirmative obligation to their viewers to be responsive to the concerns those viewers have about the level of violence on television. And the second message was directed at the program production community asking them to reflect the concerns that our stations have in the programming that they bring to us in the syndication market.

Now, since I know some of your colleagues may not understand our segment of the industry so well, I would like to expand on that second message. Unlike the broadcast networks and some of the larger cable networks, independent stations have little ability to dictate the content of the programming available to them in the marketplace. We simply lack the economic clout or the power to commission, to order, that certain movies be made for us or certain series be made for us. Instead, we end up picking and choosing among a limited supply of off-network and first-run syndicated programming that is made available to us by the syndicators.

In short, we don't get our suits custom made, we buy them off the racks. And when we, for example, can—and many stations often do—refuse to buy a popular program or package of films because they are violent, we are mindful of that program or feature film is likely to wind up on another station across town or on a cable network and that program is going to be siphoning audience away from us. I say this not as an excuse for independent stations but rather as a caution that we believe that it is imperative that all participants in the television industry be held to the same standards.

While we are willing to take steps to control the amount and scheduling of violence on our stations, we do have, frankly, Mr. Chairman, some concerns about an electronic blocking device and national rating system. And that is not to say that we are opposed to it unilaterally in theory. We only have a lot of questions about it; and until we can understand how those questions get answered, we are not in a position to endorse the proposal at this point.

First, no one has, to our mind, adequately and satisfactorily defined what is violence. Now, it is easy, I think, all of us here would probably agree, that on one extreme a movie like the Texas Chain Saw Massacre is a violent movie. But arguably there are a lot of gradations of programming that contain some acts of violence beyond that, over which many reasonable people would disagree whether it is a violence program or not.

But if we go to a scheme where all programs with any amount of violence, cartoons, slap-stick comedy like Martin & Rowan, anything with any violence in it at all, were tarred by the same brush, I would suggest that, one, a substantial number of the television screens on all services would be black an enormous amount of time. And I think most parents would find the system worthless. Yet, on the alternative, if there were to be a rating system which sought to assign a numerical rating to a program based on the degree of violence, the depiction of it, its relationship to the development of the plot, character development, would suggest that task be much more appropriate than a blanket "this is violent or not violent." It is going to be controversial, enormously suggestive, and could tie a rating board in knots for years given the sheer volume of television programming content, plus the amount that is produced every year.

And if other nonviolence factors had to be rated such as language, sex, political correctness, what have you, I suggest that the entire process would collapse of its own weight.

I guess the expression is the devil is in the details. And there are competitive consequences that we think as broadcasters have to be

considered. If we have an explicit violent rating on the show, it is going to cause many advertisers to withdraw their support. And many would say, hot damn, that is exactly what we have in mind. What it would mean is that program would disappear from the marketplace.

I suggest that it is much more likely that programming would migrate to cable services which either relies to a much lesser degree on advertising to support the service, or in the case of services like HBO and Showtime, do not rely on advertising revenues whatsoever.

So the fact that the advertisers may boycott the show makes absolutely no difference. So the level of violence has not left television; it has simply shifted to paid over-the-air broadcasting. And it has led to the concern that a program service such as Showtime or HBO ought to be exempt from any type of rating system, because after all, it is a discretionary purchase.

You have to make an affirmative decision to buy Showtime or HBO, what have you. But my concern is that the cable industry, for other reasons, appears to be moving in the direction of offering all cable services on an a la carte basis, so essentially a cable subscriber can create the menu of services that they buy. So while HBO is a discretionary service so is MTV.

Following that logic to its logical conclusion, is that the burden of a rating system and having to comply with overall standards on violence is getting put squarely on the backs of the over-the-air broadcasters, independents, and affiliates alone and on no one else.

These questions and concerns may, in fact, be resolvable. And we are looking forward to working with you and the staff and other members to see if, in fact, that is the case.

And in this regard I do appreciate comments that you made before our managers last week that this set of hearings you see really as the beginning of the process, not the end game.

And to finish up, on behalf of the independent stations, I want to pledge to you and the other members that our stations will do their part in an industrywide effort, to, one, reduce the level of violence in television; two, provide parents with the information necessary to guide the viewing practices of their children; and, thirdly, to make sure that programs that do contain depictions of violence, which may be necessary to the show, will be programmed in times which parents can reasonably be expected to be in the household and be able to police their kids's viewing habits.

Mr. Chairman, thank you. And obviously, at the appropriate time, I will be delighted to answer any questions that you or the other members may have.

Mr. MARKEY. Thank you very much.

[Testimony resumes on p. 276.]

[The prepared statement of Mr. Hedlund follows:]

Testimony of

JAMES B. HEDLUND

President

ASSOCIATION OF INDEPENDENT TELEVISION STATIONS, INC.

Good morning Mr. Chairman and members of the subcommittee. My name is James B. Hedlund, president of the Association of Independent Television Stations, Inc. (INTV). I speak to you today on behalf of local Independent television stations across the country.¹

Independent stations are keenly aware of the levels of violence plaguing American society. None of us is immune from violent crime. For years, social scientists have hotly debated the causes of violence. No doubt this debate will continue long after this hearing. There are no easy answers. These hearings underscore the plain and simple fact that Congress is looking to the television industry to do its part. Your message has been heard loud and clear.

For its part, INTV has actively participated in the inter-industry meetings between broadcasters and Hollywood. We are a sponsor of the Industry-wide Leadership Conference on Violence in Television scheduled for August 2, 1993.

¹INTV is a non-profit trade association representing local television stations that are not affiliated with the "big three" networks, ABC, CBS or NBC.

Apart from inter-industry meetings, we decided to take action on our own. Last January INTV appointed a subcommittee of its board of directors to examine television violence and adopt a program to address this issue. Since that time there have been numerous discussions and meetings. To this end, the INTV board recently voted unanimously to urge all Independent stations to adopt policies specifically directed at programs depicting violence. The board also approved a general policy outline which has been furnished to all Independent stations. Our goal was to increase the sensitivity of stations on this issue, in an effort to reduce levels of violence that may appear on Independent television.²

More importantly, we have moved beyond enacting basic guidelines. INTV is recommending that its member stations employ a system of advisory messages for all programs that the station believes contain violent content. INTV is the first media trade association to endorse the use of advisory messages. We are happy to see that our network brethren yesterday agreed to a similar program.

We believe that a system of basic principles coupled with the use of advisory messages is an important step in protecting children from programs their parents believe are unsuitable. Our

² A copy of INTV's Program and parental advisories is attached as Exhibit 1.

approach reflects a concern for the youth in our audiences, and is a realistic solution given the status of Independent stations in today's media marketplace.

On June 16, 1993, INTV expressed its preliminary views on Chairman Markey's specific proposal to curb television violence. We support these efforts. However, we have some concern about the creation of a violence rating system in combination with a "blocking device" that would be built in to new television sets. Importantly, our objective is not to stonewall or obstruct the process. Rather our intent is to bring to light some specific concerns with the proposal. We stand ready and willing to work with the Subcommittee on this issue.

However, before discussing the specifics of INTV's program and issues surrounding the ratings system and "blocking device," it is important to outline the process Independent stations employ in acquiring and scheduling programming. This will provide insights as to the ability of Independent stations to influence programming that appears on television today.

I. BACKGROUND: PROGRAM DEVELOPMENT, ACQUISITION AND SCHEDULING

1. Program Development and Content Control

The Subcommittee should understand that Independent stations play a unique and somewhat limited role in the development of program content. Unlike the big networks and large vertically

integrated cable operators, Independent stations do not ordinarily engage in the creation and development of programming. Apart from locally produced programs such as news, public affairs and sporting events, most of the entertainment programming is created, produced and distributed to Independent stations by others.

Additionally, there is no centralized coordinating entity, such as a network, to influence and govern program selection for all Independent stations. On the contrary, most if not all programming decisions are made by the local television stations themselves. Independent stations acquire their entertainment programming from several sources.

My member stations rely heavily on so called "off-network" programs, i.e. series that appeared previously on one of the networks. For example, series such as "Murphy Brown," "Roseanne," or "Cheers" are at the heart of an Independent's program lineup. Independent stations purchase these shows directly from program distributors.³

³This situation may change in the near future. The FCC recently gave the networks the right to secure financial interests in programming that appears on their network.. Moreover, it is possible that in three years, the networks will be actively selling "off-network" programs directly to local stations. The net effect of the Commission's decision is to give the existing networks greater control over the distribution of programming for all television stations, even the Independent stations. See Second Report and Order: Evaluation of the Syndication and Financial Interest Rules, MM Docket No. 90-162, FCC 93-179 (released, May 7, 1993)

A second major source of programming is the so-called "first run" syndication market.⁴ These programs are developed and created by the Hollywood community and sold directly to local stations.⁵ Recent examples of these shows are "Star Trek the Next Generation," "Kung Fu: The Legend Continues," "Untouchables," and "Time Trax." The first run market is in its nascent stage. Top quality first run programs like these have become available to Independent stations only recently. It is still unclear whether this will be a viable market long term.

Third, Independent stations purchase theatrical movies from the major studios, such as MGM, Disney, Paramount, and Warner Bros. Importantly, these movies are not necessarily the same as those

⁴First run syndication is not limited to Independent stations. Programs such as "Entertainment Tonight," "Wheel of Fortune" and "Jeopardy" are currently sold directly to network affiliated stations.

⁵In this regard, program development in the first run market differs from the network development process. With network shows, the networks themselves are involved in the initial financing, creation and development of a program. The network then sells advertising and feeds the program to its affiliates across the country.

In the first run market, a Hollywood studio develops the program. The program is then sent to a program distributor, which is typically a subsidiary of the studio. The distributor sells national advertising spots and syndicates the show directly to local stations. Each local station decides whether it wants to purchase the program. In order for the "first run" market to work, the program distributor must get a sufficient number of stations to purchase the show in markets across the country. Stations are rarely involved in the creation or development of the program.

that appeared in movie theaters.⁶ The movies are subject to several levels of editorial oversight.

Distributors syndicating the programs to broadcast television stations edit the movies into a form they believe is suitable for television. A local television station purchasing the rights to a movie may edit the programs further, in order to meet the tastes and interests of the local market.⁷ Thus, movies that were originally rated "R" are edited and differ from the version appearing in theatres.

Finally, many of the programs purchased from program distributors are so-called "barter" shows. In these cases, the program distributor has already inserted a certain number of advertisements in the program. When a station acquires a program, it is bound contractually to broadcast the program. Many contracts

⁶Most if not all of the films appearing on Independent stations have appeared previously on television. Generally, after the theatrical release a movie will be released to the home video market. Shortly thereafter the movie is released to a pay-per-view service. It then will appear on a subscription cable service such as HBO, Showtime or Cinemax. The movies appearing on video rentals, pay-per-view and subscription services are, for the most part, the same version as the theatrical release. Thus, if a movie was rated "R" for theater exhibition, it will retain that designation.

⁷Often a major theatrical motion picture is sold to the major networks. The film is then edited by the standards and practices divisions of the respective networks before it is sent to affiliated stations. There are many instances where Independent stations acquire the rights to movies only after the movie has previously appeared on the networks.

require that the program be aired at a specific time. Accordingly, once a "barter" program or series is purchased, a station cannot simply take the program off the air without incurring contractual liability from the program distributor.

2. Program Acquisition: Economic Leverage and Content Control

Even though Independent stations generally do not participate in the creation of entertainment programming, one may argue that a station could use its purchasing power to limit the violent content of television programming. However, to accomplish this, an Independent station must have sufficient economic leverage over its program suppliers. For example, the networks are in a superior position to control content because of their superior bargaining position with the creators of television programming.

Unfortunately, Independent stations, as purchasers, have very little economic leverage over program supply. Most Independent stations are not market leaders. We lack the economic leverage to exercise creative control over entertainment product at the production stage. Indeed access to top quality product has always been a problem. For example, in response to the new Children's Television rules, many Independent stations acquired the rights to "Beakman's World," a highly acclaimed science program for children. This program has been such a success that CBS recently purchased the program away from Independent stations for next season.

Our ability to exert leverage as program purchasers is reduced further as cable becomes a stronger player in the program acquisition market. In 1992, television networks' spending on entertainment programs accounted for 38.4 percent of all expenditures on entertainment programs. Cable networks accounted for 27.9 percent of program expenditures. In other words, the major broadcast and cable networks accounted for 66.3 percent of all programming expenditures.⁸

Local stations accounted for only 19.5 percent of all expenditures. Importantly, this includes both expenditures made by Independent stations and local stations that are affiliated with a major network. Barter syndication, accounted for 15.1 percent of all programming expenditures. Again, a significant amount of the barter statistic includes barter programs that are sold to network affiliated stations.

Nor is the situation likely to change. Assume for example, there is a highly popular movie or series that contains violence. An Independent station has essentially two choices. It can acquire the rights to the program and edit it. Alternatively, it can simply refuse to purchase the program. The latter alternative is becoming an increasingly unrealistic solution. If the program is

⁸Veronis, Suhler & Assoc., Communications Industry Forecast, June 1992 at 137.

popular, it will be purchased by another television station or one of the cable networks.

3. Scheduling

Unlike the networks, I am not able to provide you with a specific prime time lineup for all Independent stations. As noted previously, prime time programming will vary station by station and market by market. Nevertheless, there are some general observations that can be made for the typical Independent station.

On weekdays, Independent stations often program kids shows from about 6:00 - 9:00 AM. For the most part this programming consists of animated "cartoon" programming. However, with the advent of the Children's Television Act, programs that are designed to meet the educational and informational needs of children are being added to the morning lineup.

From about 9:00 AM - 2:00 PM, Independent stations generally air a mix of "off-network" and "first-run" programs. For example, a station may air off-network programs such as "Gimme a Break," "Little House on the Prairie," Happy Days," "Amen," and the "Hogan Family" during this time period.

From about 2:00 to 4:30 PM most Independent stations are airing children's animated programs. For example, many stations

are airing an animated cartoon block from Walt Disney called "The Disney Afternoon."

At about 4:30 or 5:00 PM most Independent stations are shifting back to family oriented "off-network" programs. Typically shows such as "Family Ties," and "Who's the Boss" are aired during this time period.

On the east and west coast, most Independent stations are broadcasting recent off-network programs between 7-8 PM. Generally these programs, situation comedies such as "Cheers," "Murphy Brown," and "Roseanne," are aired in the 7 - 8 PM time period.

From 8 - 10 PM EST Independent stations generally shift into their prime time lineup. For example, several nights each week an Independent station may broadcast a movie from 8-10 PM. Also, the new "first run" shows such as "Star Trek Deep Space Nine," "Kung Fu: The Legend Continues," "Time Trax," and the "Untouchables" often begin at 8 PM EST. Those Independent stations with the rights to Major League Baseball, NBA basketball or National Hockey League will broadcast games during this period. And, of course, Independents affiliated with Fox will air that company's programming during this period.

At 10 PM EST many Independent stations broadcast their local news. Others continue with a variety of "off-network" or "first run" programs. This pattern continues through 12 midnight.

On weekends the average Independent format begins with children's programming from about 7:00 AM to 11:00 AM. Again this time period largely consists of children's programming. At around 11:00 AM stations will broadcast "off-network" or "first run programs." Typically an Independent station will broadcast movies from 2 - 5 PM. Beginning at 5 PM stations will generally broadcast "off-network" or "first run" programs for the rest of the evening.

Taking a realistic look at the average weekday schedule, it is highly unlikely that you will see a violent program broadcast before 8 PM (EST). Prior to this time, most of the "off network" or first run programs are family oriented situation comedies. Also, most Independent stations will not air promotional material for violent movies during morning or afternoon children's programs.

It is possible that programs broadcast after 8 PM may have violent content. INTV is aware that there are some young children, ages 2-12, in the audience during prime time. It is during this time period that Independent stations should be especially sensitive and take steps to limit violence. Also stations should advise parents that the movie may contain scenes that they would consider objectionable for children.

It is important to recognize however, that the vast majority of children viewing during prime time are viewing non-violent situation comedies. For example, a review of children's viewing patterns in a typical market like Chicago reveals that the most popular kids shows contain relatively little violence.

Children's Viewing (ages 2-11)
 Prime Time 7-10 PM Central
 Mon.- Fri. February 1993

<u>Program</u>	<u>Rating</u>
Simpsons	26
Martin	24
Full House	23
Dinosaurs	22
Family Matters	21
Step by Step	21
Hang'n w/ Mr. Cooper	19
Wizard of Oz (movie)	19
Fresh Prince of Bel Air	18
Home Improvement	18

* Source: Arbitron

Also, we must be concerned about our weekend movie schedules. Certainly, during this time period children are present in the audience.

On balance, Independent stations recognize that some of the programming aired on our stations may contain arguably violent content. We will endeavor to take steps to reduce this level of violence through additional editing or by scheduling this programming at a time when there are fewer children in the audience. Where violence appears in our programming, parents should be given appropriate advisories.

I do not raise these background facts in an effort to absolve Independent stations of responsibility. As federally licensed television stations, we are responsible for what is broadcast over the airwaves. As licensees, we have an obligation to respond to Congressional concerns regarding our performance. The principles and advisories recommended by INTV fulfill these responsibilities.

II. INTV'S STATEMENT OF PRINCIPLES AND ADVISORY MESSAGES

The following outlines the basic principles established for INTV member stations. This program will be part of a continuing campaign conducted by the association to assist its members on issues regarding television violence.

- o Violence should be depicted only when necessary, and to no greater extent than necessary to the development of the story line, plot, context or theme of, or character in, a television program.
- o Depiction of violence in such a way as to glamorize violent behavior or to ignore or trivialize its consequences to either the victim, the perpetrator, or society should be avoided.

- o Depiction of violence in such a way as might be instructive or as might suggest imitative behavior should be avoided.
- o Presentation of programs depicting violence and the depiction of violence should not be undertaken solely as a means of exploiting or shocking the audience.
- o The depiction of violence in a sexual context requires special sensitivity with respect to its potential to exploit, debase, demean, shock or stimulate. Violence never should be depicted so as to appeal to the prurient interest of the audience.
- o Graphic or detailed depiction of violence or dwelling on gore, pain, or physical suffering should be avoided.
- o The special needs of children should be considered, and special care should be taken, in scheduling and editing of programs and promotional materials which include the depiction or description of violent behavior.
- o Depiction of violent acts in a manner which might distress or frighten children should be avoided in programming intended primarily for children.

The above policies are intended to apply to entertainment programming and promotional materials. The policies are not intended to inhibit journalistic or editorial discretion in the coverage and reporting of news or sports events.

INTV's program goes beyond basic guidelines. Stations are encouraged to inform viewers through appropriate on-air advisories that specific programs contain depictions of violence so that viewers can make informed viewing decisions. INTV's program

provides examples of the type of advisories that stations may employ.

- o The following program depicts violent acts or behavior.
- o The following program depicts violent acts or behavior. Viewer discretion is advised.
- o The following program depicts violent acts or behavior which may be unsuitable for children. Parental discretion is advised.
- o The following program involves realistic portrayals of human behavior, including acts of violence, which may be disturbing to some viewers.
- o The following program involves realistic portrayals of human behavior, including acts of violence, which may be disturbing to children. Parental discretion is advised.

Realistically, INTV cannot force stations to comply with this program. As a result, compliance with the principles established and use of the advisory messages must, of necessity, be voluntary. Nevertheless, INTV promises to work closely with its member stations to ensure full compliance.

III. VIOLENCE RATING SYSTEM VS. ADVISORIES

There has been much discussion about the possibility of enacting a specific violence rating index similar to that presently used to rate movies. Candidly, the proposal has surface appeal. However, on closer examination, rating degrees of violence may prove to be a difficult, if not impossible task. A system of advisories will provide parents with the same information while avoiding the pitfalls of a rating system.

1. Rating Violence: Definitional Problems

Social scientists have never been able to agree on a definition of violence. For example many of the "laboratory" studies purporting to find a relationship between video messages and violence have defined violence differently. Some measure violence in terms of brief video clips which do not provide any context for the violent acts. Some researchers such as Gerbner consider comic acts, such a slapstick, violent. In testimony before this Subcommittee, Professor Nancy Signorielli released new evidence regarding violent programming during prime time on the networks in February 1993.

One can question whether the programs rated as being violent, are the type of programs that would concern most members Congress and the public. Professor Signorielli's testimony stated:

Interestingly, the most violent genre in this week-long sample was the variety shows, including specials on "Television's Greatest Moments," "TV's Funniest Commercials," and the 25th Anniversary of Rowan and Martin's "Laugh In."⁹

I raise this issue not to criticize Professor Signorielli's efforts. But there are profound definitional problems when crafting standards that attempt to measure degrees of violence. I

⁹Testimony of Professor Nancy Signorielli before the House Subcommittee on Telecommunications and Finance, May 12, 1993 at 3.

doubt that few, if any, of the members of this Subcommittee would have considered these variety shows as violent programs.

In developing our advisory guidelines, we spent a significant amount of time debating the specifics of a rating index. We found that the definitional problems increased as we attempted to measure gradations of violence. Do the slapstick antics of "Rowan and Martin" warrant an violent rating? What about the issue of context? Are movies about the Civil War violent? How does one distinguish between portrayals of violence in movies about the Civil war and portrayals of violence in combating urban crime? Distinguishing between the types of violent acts and the context of those acts is extremely difficult. In the end the definitional problem, made enactment of a specific rating system an impossible task. The more specific the rating system the greater the definitional problem.

To avoid the definitional problems, we examined the possibility of a one level violence rating. However, the question became one of overbreadth. Under some expansive definitions, a huge percentage of all programs or films produced in this century could be considered violent. However, I believe most reasonable people would not consider comedic slapstick to be violent. Applying a rating to such shows would conflict with most American's every day experiences. If the definition of violence becomes all encompassing then a rating system will lose credibility and

ultimately be ignored. If most programs receive a violence rating, then the system will have no meaning.

We recognize that definitional problems still exist with a system based on parental advisories. There will always be a threshold question whether a particular program contains violence. Like obscene and indecent program content, reasonable people acting in good faith know violence when they see it. The key is to increase the level of awareness among all the media. There is no question that the broadcast industry has had its "consciousness" raised on this issue. Increased sensitivity, and good faith judgement, will result in providing advisories for the types of programs about which Congress is rightfully concerned. On balance, the most important element of a rating system is to advise parents. Indeed, that is what a rating system is designed to do. Given the definitional problems involved with specific ratings, the best policy is the most direct policy. Place an advisory on the air.

2. Centralized Ratings: An Overwhelming Task

Independent stations have no centralized process to provide uniform ratings across the country. Editorial decisions are made by local stations. Thus if the goal is to create a uniform rating system, this cannot be achieved at the local level.

This does not mean, however, that the creation of an inter-industry rating board is not without its problems. First, the current MPAA rating system evaluates approximately 450 movies per year. Television presents a far more burdensome task. There are literally thousands of television programs which would have to be evaluated. What happens to the existing stock of programs? For example, would Mr. Turner's entire MGM library have to be evaluated? What about the thousands of episodes of existing program series such as the "Rockford Files," and "Magnum PI," and the original "Star Trek." A centralized board could be tied up for years simply rating programming that is already on the air? The problem is exacerbated if the rating system attempts to measure levels or degrees of violence.

3. Violence Ratings: Forbidden Fruit

There has been some discussion whether advisories or rating systems would effectively curtail children from viewing television violence. Some have argued that a violence rating scheme would actually attract younger viewers to such programming under a forbidden fruit theory. Others believe such a system will, at the very least, provide additional opportunities for parents to monitor their children's viewing.

It is possible that creating a specific violence rating may serve to attract children. Older children and younger teens may be drawn to movies with higher violence ratings. This was a key

consideration in looking at a violence rating index for Independent stations.

The issue becomes what is the fundamental purpose of a rating system? From our perspective, we believe that such a system is important to inform parents. Informing parents about violent content is the most socially responsible thing to do. All things considered it is better to notify parents in advance about the content of programming that is on television.

Adopting parental advisories accomplishes both objectives. It will provide parents with the necessary information to monitor their children's viewing. At the same time it will not create a perverse system that could be used by older children and young teens as an index to measure the most violent programs.

IV. INSERTING CODES AND PROGRAM BLOCKING DEVICES

INTV has several concerns with a requirement to install a program blocking device. Our understanding is that a "chip" would be included in each new television set capable of reading the violence codes that will be imbedded in the Vertical Blanking Interval (VBI). Viewers would be able to pre-program their television sets to "block out" all programming that received a violence rating.

It is worth noting that such a system appears to be fundamentally different from the "TV Guide On Screen" and the "Protelecon" editing systems presented to the Subcommittee at its June 25, 1993 hearing. Those systems permit the viewer to examine specific program schedules. If parents believe a program is unsuitable, then they have the ability to use a parental control function to "block out" the program.

In contrast, the VBI block proposal contained in Chairman Markey's May 19, 1993 letter does not appear to be predicated on a review of specific programming. Rather, a viewer would merely pre-program the television set and block out all programming that is rated violent. There is no editorial judgment with respect to a specific program.

This is a subtle, but nevertheless important distinction. It is one thing to empower parents to make editorial judgments with respect to specific programs. It is quite another matter to "block out" all programming without exercising editorial judgment over specific programs. In effect, the VBI block proposal takes editorial judgments away from parents, leaving the decisions totally in the hands of a private rating board.

The problem is exacerbated given the lack of technical expertise of most television viewers. It goes without saying that many parents have a difficult time programming their VCRs

Assuming parents are able to program their television sets, the current proposal would require them to remove the code in order to watch a specific program. Quite frankly, most viewers when faced with a blank screen will merely switch channels rather than suffer the inconvenience of de-programming their television sets.

The impact of this approach is that it may prevent the production and broadcast of many programs that most adults might want to watch. If programs are blacked out in a significant number of households then the economic base for such programming is significantly reduced. Importantly, this result will not be based on the quality of the program or its violent content. Instead it will be predicated on the fact that a significant portion of the viewing audience does not want to bear the inconvenience of pulling out the directions and deprogramming their television sets. And then, presumably, re-programming it after a particular program or film is over.

Finally, there may be unintended consequences of such a system. Today the issue is violence. Tomorrow it may be some other issue, such as the discussion of AIDS. INTV understands that the rating system and the coding will not be done by the government. However, it is impossible to predict future issues which would engender government ire. It is entirely possible that five years from now the government could be concerned about politically incorrect statements made on television or advertising

certain products. Once again the government would pressure the industries involved to do something about such content. The mechanism for rating and blocking out programming would already be in place. Pressure would be applied and the industries involved would comply. Thus, even though there is no direct regulation of program content, the result would be the same.

V. COMPETITIVE CONSEQUENCES

When combined, a rating system and a VBI block could have significant competitive consequences. If such a system is adopted, INTV strongly urges that it be applied across the board to all distribution systems, including basic cable networks, pay cable channels, MMDS, DBS and services provided by the telephone companies under the FCC's video dial tone proposals.

The movie rating system operates in an economic climate that is vastly different from television. Once a movie is rated, that rating has exactly the same competitive impact on all theater distributors. While local theater owners compete, they are a homogeneous distribution system.

This is not the case in television. The economics of the cable industry are vastly different from the economics of broadcasting. Cable retransmits broadcast signals. Programming is being supplied to both distribution systems from a variety of sources. Moreover, cable retransmits the signals of its chief

competitor -- broadcasting. The enactment of a rating system and "blocking device" can lead to competitive inequities.

1. Ratings and Blocking Devices May Shift Programming Away from Broadcast Television.

There is no question that the creation of a coded rating system when combined with a blocking device would be an issue of tremendous concern to advertisers. Indeed, that is precisely the intent of the proposal -- to create an economic climate that would lead to less violent programming.

What may happen is that most programming will simply shift to basic cable channels or to pay cable channels. In other words, programming that is rated "violent" will shift to those services that are not totally dependent on advertising revenue. Unfortunately, this shift will include many programs that most adults would find unobjectionable. Because of the adverse effects on advertising, a rating system and "blocking device" will have the effect of sanitizing advertiser based broadcast television. To some this may be a salutary result. However it will come at a price. Many individuals, especially the 40 percent of American households not subscribing to cable, will be denied access to popular programming. Moreover, it is in effect no less than a subtle, but obviously effective means of government censorship over advertiser-supported broadcasting.

It is important to recognize that program shifting and its competitive consequences could occur even if broadcast stations, cable program services and pay cable channels are subject to same violence standards. Because basic cable channels derive a significant portion of their revenues from subscriber fees, the ability to acquire programming is not as dependent on advertising revenues as broadcast stations. This is especially true for pay-cable services and pay-per-view service which do not rely on advertising revenue. Accordingly, it is understandable that some major pay cable service providers such as Viacom would have no trouble with this proposal. They understand that the proposal would have a more significant negative impact on their advertising based competition.

2. Standards regarding Television Violence should be applied to all services, including pay cable services.

Nevertheless, the worst of all situations would be for a rating and blocking device system to be applicable to broadcasting but not to pay cable services. In this regard, there appears to be some sentiment that violence standards should not be applied to pay subscription services such as HBO or Cinemax. The theory is that parents invite such programming into the home by taking the affirmative act of subscribing to the service. This approach is incorrect.

The application of violence standards to individual television stations is based on the fact that parents may want to view some programs but prevent their children from viewing other programming. In other words, television signals enter the household as a package. The same is true for pay cable services such as HBO and Cinemax. Subscribers to these services have access to a single package containing a variety of unedited movies. Some are suitable for children, others are not. Thus, the same logic justifying extension of violence standards to broadcasting would apply to individually purchased pay cable channels.

Finally, the number of individually purchased, a la carte, channels is bound to increase in the near future. Many cable operators are considering offering traditionally "basic" programming services, e.g. Lifetime, USA and TNT, on an a la carte basis, to reduce the impact of the FCC's new rate regulation provisions. Thus, if individually purchased channels are not subject to the same violence standards, then a majority of cable programming will not be subject to any oversight. The competitive disparities described above will be exacerbated.

3. A violence rating system and "blocking chip" creates the potential for anti-competitive behavior by cable operators retransmitting broadcast signals.

To date, it remains unclear whether the violence codes which would trigger the blocking device would be inserted by the program supplier, broadcaster or cable operator. It is our understanding

that codes could be inserted anywhere in the transmission chain. For example, a cable operator would have the technical ability to insert or delete a code at the cable headend.

This raises a significant competitive concern because broadcast television stations compete with cable operators for local advertising revenue. Assume a station broadcasts a program that was not rated violent. However, a cable operator, seeking to maximize viewing on a cable channel on which it has sold local advertising, claims the program is violent and inserts a code at the cable headend. As a result, the television station's programming may be "blocked out" in a significant number of households subscribing to the cable system.

Compounding the problem is the simple fact that it would be impossible to police. A station would never know whether its program rating had been altered. Even if a station discovered the practice, there appears to be no recourse. The entire rating and coding system is private. There may be no enforcement mechanism to prevent such activity. Also, inserting the code may not violate the carriage requirements contained in the 1992 Cable Act. In this regard, the cable operator has continued to carry the broadcast signal in its entirety. The decision to "block out" the program has presumably been made by the subscriber. Nevertheless, the impact is the same as if the cable operator blocked out specific programming.

4. A Centralized Editorial System May Infringe on A Local Stations Editorial Discretion.

Local television stations exist in a highly competitive market. Movies are a basic staple of an Independent station's program line up. Obviously if a movie has received a violence rating from a centralized board it will be more difficult to find local advertising. This may prevent stations from acquiring the rights to top quality movies that most people in the audience want to watch.

We believe a station should have the flexibility to acquire movies and edit them in such a way as to take out the offending violent scenes. Once the movies have been edited, then a station should have the ability to remove the blocking code before the program is broadcast. Without such flexibility, a local station will have delegated its programming judgment to its program supplier or inter-industry rating board.

For years Independent stations have been editing programming to comport with the tastes and interests of their local communities. The exercise of good faith editorial judgment should not be taken away.

VI. CONCLUSION

INTV is ready and willing to work with other media institutions to reduce the levels of violence on television. We believe the various industries can come together and develop a program that will work without the need for specific legislative remedies. Voluntary industry action is clearly preferable.

We understand that the burden is on us police ourselves. It is in our best interest to do so. I can promise you that the Independent stations will work very hard to meet your expectations.

EXHIBIT 1**GENERAL POLICY OUTLINE**

1. These policies apply to programs and to promotional material, are directed solely at entertainment programming, and in no way are designed to inhibit journalistic or editorial discretion in the coverage and reporting of news or sports events.
2. Violence should be depicted only when necessary, and to no greater extent than necessary, to the development of the story line, plot, context, or theme of, or character in, a television program.
3. Depiction of violence in such way as to glamorize violent behavior or to ignore or trivialize its consequences to either the victim, the perpetrator, or society should be avoided.
4. Depiction of violence in such way as might be instructive or as might suggest imitative behavior should be avoided.
5. Presentation of programs depicting violence and the depiction of violence should not be undertaken solely as a means of exploiting or shocking the audience.
6. The depiction of violence in a sexual context requires special sensitivity with respect to its potential to exploit, debase, demean, shock, or stimulate. Violence never should be depicted so as to appeal to the prurient interests of the audience.
7. Graphic or detailed depictions of violence or dwelling on gore, pain, or physical suffering should be avoided.
8. The special needs of children should be considered, and special care should be taken, in the scheduling and editing of programs and promotional materials which include the depiction or description of violent behavior.
9. Depiction of violent acts in a manner which might distress or frighten children should be avoided in programming intended primarily for children.
10. In appropriate circumstances, the station may determine to inform viewers through appropriate on-air advisories that specific programs contain depictions of violent behavior so that individual viewers may make informed viewing decisions and avoid unexpected depictions of violence which are unsuited to their particular tastes. Such advisories might state:

"The following program depicts violent acts or behavior."

"The following program depicts violent acts or behavior. Viewer discretion is advised."

"The following program depicts violent acts or behavior which may be unsuitable for children. Parental discretion is advised."

"The following program involves realistic portrayals of human behavior, including acts of violence, which may be disturbing to some viewers."

"The following program involves realistic portrayals of human behavior, including acts of violence, which may be disturbing to children. Parental discretion is advised."

Mr. MARKEY. Our next witness is John Hendricks, chairman and CEO of Discovery Communications, Incorporated. The Discovery Channel provides on-air notification for programs that include violent scenes.

We welcome him today and look forward to whatever insights he can give us as to what additional actions the Congress or private sector can take.

STATEMENT OF JOHN S. HENDRICKS

Mr. HENDRICKS. Thank you, Mr. Chairman.

In the past, I found myself before this subcommittee testifying against most of the legislative recommendations concerning regulation of my industry, the cable industry. So it is, indeed, refreshing for me to find myself before the subcommittee wholly supportive of Chairman Markey's suggested approach to tackling the problem of violence on television and in particular the exposure of that violence on children.

At our company, we have felt a special, perhaps even more demanding responsibility, for parental advisory notices beginning early on in our network's history. We were being designated by many parents as a safe, unsupervised viewing channel for children, along with PBS, Disney, and Nickelodeon. And we are a documentary service that attempts to document the real world.

There are sometimes shows that parents feel that may be too graphic and inappropriate for younger viewers, so our parental advisory notices have been in place as a policy since 1987.

Mr. Chairman, our company supports your two-pronged approach to addressing the problem of violence exposure to children. Your approach is not to, in any way, censor our cherished right of free expression but it is simply to devise effective methods that enable and empower parents to use television more responsibly for the ultimate benefit of our society.

We applaud the announcement by the four major commercial broadcast networks yesterday concerning the new parental advisory notices that they are recommending. And we recommend that this subcommittee explore the development of government assistance to foster the rapid deployment of digital technology. This will bring a variety of new viewing management software tools to reduce children's exposure to violence, if parents exercise this important responsibility.

And so, a second recommendation I have is to suggest that all of us in the television industry undertake, perhaps through the advertising council, an effort to produce and air a series of public service announcements on the responsible use of television in households with children.

I have some more specific observations on the ratings system and technology devices you propose, Mr. Chairman; but I will await your questions as my time is up.

Mr. MARKEY. Thank you, Mr. Hendricks.

[The prepared statement of Mr. Hendricks follows:]

STATEMENT OF JOHN S. HENDRICKS, CHAIRMAN AND CHIEF EXECUTIVE OFFICER,
DISCOVERY COMMUNICATIONS, INC.

Mr. Chairman, members of the subcommittee, my name is John Hendricks and I am the founder, chairman and chief executive officer of Discovery Communications, Inc. We are a privately held multimedia company which manages and operates The Discovery Channel and The Learning Channel, as well as businesses in home video, interactive video, publishing, merchandising and international program sales and distribution.

I appreciate the opportunity to appear before you today to share our company's views on your two-part proposal to limit children's access to violent programming. Speaking for a company that prides itself on providing people of all ages with programming that engages their natural curiosity and enriches their lives, I want you to know that we applaud your efforts to encourage industry self-regulation and to push for adoption of technology standards that would lessen the impact of violent programming on children.

Since launching The Discovery Channel a little more than 8 years ago and since purchasing and relaunching The Learning Channel about 2 years ago, we have discovered the great appeal that our programming holds for children, especially our documentaries on animals and nature. As part of our mandate to present the finest in non-fiction entertainment to our viewers, we recognize that the real world can sometimes be violent. Accordingly, we have a policy of providing on-air notification to our viewers any time that we believe an upcoming program may contain scenes that, due to their violent nature, could be disturbing to young viewers.

In addition, we have taken the initiative with both of our cable channels to provide America's children with high-quality, violence-free programming alternatives.

Each weekday on The Discovery Channel, for instance, we provide junior-high and secondary-school students with Assignment Discovery, a 1-hour curriculum-based program that is commercial-free and presents topics across all major school disciplines. Each week on The Learning Channel we present a similar program targeted to a younger audience; it's called TLC Elementary School.

At the end of last year on The Learning Channel, we began a significant commitment to the youngest viewers in our country when we launched Ready, Set, Learn!, a 6-hour block of commercial-free programs airing every weekday morning and aimed at preparing young children for school by helping them to become active, engaged learners.

Hosted by Rory, an award-winning children's singer/songwriter who was a recipient of the 1992 Parent's Choice Award, Ready, Set, Learn! is geared to the 16.5 million U.S. households with children under 6 years of age. The program block featuring one world, three U.S. and two cable premiere series consists of six one-half-hour shows that are then repeated to round out the morning schedule. Entertaining and fun to watch, each program is also rooted in proven learning methods intended to help children develop skills such as basic reading, creativity, reasoning, social interaction and conceptualization.

Just 2 nights ago, at the National Education Association's annual convention in San Francisco, Ready, Set, Learn! was honored with one of that group's annual awards for excellence in television programming.

Speaking on behalf of Discovery Communications, we support an industry-initiated rating system for violent television programming. In light of the significant number of hours presented on television each year, we believe that such a system should be self-policing.

To provide some perspective, an average 40-channel cable system presents more than 260,000 hours per year of programming, a number that dwarfs the few thousand hours per year of movie product that is created for theatrical release. We and most other cable networks already have a team of professional program evaluators in place who could use industry-adopted standards to rate programs on their violence content.

With respect to the efficacy of technological solutions which would allow parents to "block out" violent programs, I have no doubt that such solutions would be possible to create. At Discovery Communications, for instance, we are developing a new business that we are calling Your Choice TV, a digitally delivered cable service that will package, promote and distribute some of the most popular and critically praised programs on television, giving viewers a "second chance" to watch a favorite show they may have missed.

In pursuing the creation of Your Choice TV with the able help of a team of engineers, we have learned that the same type of Personal Identification Number, or "PIN", technology employed by banks and other financial institutions could be uti-

lized in the home to allow parents to set up mechanisms to restrict their children's access to certain channels or programs.

While such a solution may be technologically possible, I must emphasize that they will only succeed to the extent that they are actually utilized by parents. Since the roles we are playing in today's hearing prevent me from asking you a direct question, I'll pose an inquiry rhetorically and allow you to ponder the answer: how many of your constituents do you suppose know to program their VCR and, if they do, how often do you think they use that knowledge to actually tape programs off-air? My point, of course, is that technological solutions often sound better in theory than they actually work in practice.

The final question that you asked us to address in our testimony today is the impact that such technologically advanced solutions might have on the television programming industry. The question actually used the phrase "technologically advanced televisions," and I think it is important to note that, for the foreseeable future, technology-based solutions will not be found within television sets per se, but rather within the delivery mechanism that brings the television signal to the home. There are, of course, more than a hundred million television sets already in use, and any widespread technological solution would have to be "retrofitted" onto the existing television delivery mechanism.

Having said that, it is clear that the impact of technological advances will lead to a new era of choice for the consumer. For nearly 30 years in this country, viewers had access only to "television on demand", a handful of choices provided by the major broadcasting networks. In the mid-1970's, satellite technology and the entrepreneurial spirit of the cable industry brought "genre of television on demand", with movie channels such as HBO and Showtime, the all-sports channel ESPN, the all-news channel CNN, the all-documentary channel Discovery and the all-public affairs channel C-SPAN. With digital compression at the ready to transmit hundreds of additional choices to the viewer, we will soon be experiencing a third revolution in television—programming on demand.

One of the most exciting aspects of this new era of choice will be the fact that worthwhile shows for children, such as the acclaimed Beakman's World, which airs both on broadcast stations and our own Learning Channel, could be made available via programming menus any day of the week at any time. Parents who would like their children to learn principles of science through the entertaining ways of Beakman will no longer have to stop and ask themselves, "When is Beakman's World on?" That's because the answer will always be 'now.'

What more choice will mean, I hope, is even more opportunity for those who of us are the "editors" of television to bring out the best in our medium, to stay away from the gratuitous violence that has become too much the staple of lowest-common denominator television and to give viewers, instead, a window on the world that is open to the most entertaining and enriching experiences of the planet's people, places and cultures.

Thank you again for the opportunity to appear before you today, and I look forward to your questions.

Mr. MARKEY. Our final witness, Mr. Charles Hewitt, is the president of Satellite Broadcasting and Communications Association.

The satellite industry has initiated development of blocking technology on its own initiative using satellite decoder receivers.

We look forward to your testimony, Mr. Hewitt. And we know that you have brought a demonstration.

STATEMENT OF CHARLES C. HEWITT

Mr. HEWITT. Thank you, Mr. Chairman.

I thank you for holding these hearings on this very important issue. I think it is something that needs to be dealt with. We in our industry have been dealing with it for several years. And I want to congratulate the broadcasters for moving forward with the first step in trying to deal with violence on television. But I do want to tell that you, since 1986, the home dish market has had the ability to provide to the parent a way in which they can decide for themselves what their children should watch.

I would draw your attention to the monitor on your right and our left, and I will point out these two placards that are showing a mock-up of what DBS will have next year. Due to the efforts of this subcommittee and Congressman Tauzin and Senator Gore, now Vice President Gore, DBS is going to be a reality next year. And as you know, cable is coming along with 300 and 400 channels. We are going to see major charges. This is going to be a vital part in what those changes are that are going to take place.

I have placed the selector on channel 2, which happens to be an adult channel. If I move it to channel 1, it is Disney. If I move it back to channel 2, it is on lock, and I am the only person that can turn this channel on by giving a parental unlock number. But this is one of the two major methods in which we can block out.

Basically, I, as a parent, can decide to subscribe to an adult programming service and can block it out and unblock it whenever I want to see it when the children are in bed, or any other kind of programming. In essence, you can block out a single channel or a complete satellite if you so desire.

I am going to move it up to another channel which happens to be a good, friendly competitor, HBO. As you see, HBO is showing a movie called Lovesick. It has a PG rating. We have also in our system—that block is important. That is a place where we provide information to the viewer. It tells us what the movie is, how much time is left, what the rating is; and it is a place where advisories can be placed. And because of the programmer's own initiatives, we are going to expand the ability to put more information in that box to put more advisories in that box, including advisories on violence.

This button tells me what is going to be on next so I can tell what the movie following this move is going to be. Basically, if I decide that I want to set a specific setting, I get into the menu and I move immediately to the ratings setting.

As you note, it says program rating setting is at X, which means that I get everything. But 3, it says I have to put in a password. I am the only one. The children can't get into it. I have to put a password in this that would allow me to change those ratings.

I am going to move the rating down. And the first rating you see is NR. That is not an MPAA rating. That is a rating we designed ourselves as a result of dealers requesting the programmers—and programmers such as Showtime and HBO and others—to design ratings for adult films which did not go through the MPAA rating process.

So this is a category that a programmer can voluntarily use to place his movie service into. And it is blocked out even if it is not contained in the MPAA rating. We have PG-13, G, and R. If we push G, anything above G will no longer be shown on the satellite system. So again we go back to this channel. It does not have anything in that category.

You go to channel 8, it does not. 23—one of these does—this one also doesn't. All right this is a channel which has been blocked out due to its rating is higher than the G setting.

So, in essence, our system has the capability of blocking out specific programming within a channel if it is given a unit number. In other words, the first blackout I demonstrated is channel spe-

cific. It is an action by a single individual. You do not need any other information except for what you want to block out.

The system here—the second way—those have a code, a rating of some sort, in order for this to work. This means that the satellite industry—since 1986, and DBS is well prepared to handle any way or any system in which the copyright holders, the broadcasters, the programmers want to adopt. We are prepared to utilize that in our present systems that exist today.

However, we would like to point out that there is going to be major changes taking place in the next 2 to 4 years primarily due to the advent of DBS and the 300-channel capability and with fiber optics and compressed coaxial cable.

And when we start talking about 300 or 400 channels, the viewer is going to change how they obtain the programing that they want to watch. The viewer is not going to ask what is playing on channel 386 tonight. They are going to call up the menu and see what is being offered under the movie section or under sports or science. And they are going to make a decision of what to watch.

We have to provide more and more information concerning what those—what are contained in those programs, which includes the negative along with the positive. Yes, you want to get the viewer to turn to your channel, but you are not going to want them to turn to a channel that they or their children do not want to watch. There will be more opportunities to provide more information so that the viewers can make a decision for themselves and their children.

We believe that the marketplace will place a major role in the next 2 to 4 years in allowing the parents to make selections for themselves and their children. And we think that the systems will have in them the capability of blocking out the channels if they desire. A rating system can be utilized in our system. We are not too certain that it is necessary. An advisory is going to be better, because it will cover more than violence or adult related activities. It can contain other information.

So in closing, we applaud the committee for its actions, and we stand ready to try to implement anything that will help solve the issues of too much violence. But we also believe very strongly that advisories work exceedingly well and it provides a parent a better position to make those kinds of decisions.

[The prepared statement of Mr. Hewitt follows:]

**TESTIMONY OF
CHARLES C. HEWITT
PRESIDENT, SATELLITE BROADCASTING AND
COMMUNICATIONS ASSOCIATION OF AMERICA
BEFORE THE
SUBCOMMITTEE ON TELECOMMUNICATIONS AND FINANCE
HOUSE COMMITTEE ON ENERGY AND COMMERCE**

July 1, 1993

Mr. Chairman and Members of the Subcommittee, I am Charles Hewitt, President of the Satellite Broadcasting and Communications Association. I am very pleased to present to you today the perspective of the satellite industry regarding violence on television, and we commend you for taking the time to air publicly this most sensitive and complex subject. I believe that the views we have to offer will give you an added and valuable dimension as to how the issue of violence in programming fits into the framework of today's video delivery technologies.

As you know, the SBCA represents every business segment which is involved in the transmission of video entertainment, sports, news and information direct-to-the-home. This encompasses the companies which build and operate the satellites, including both the C-Band and Direct Broadcast Satellite providers ; the program services to which DTH viewers subscribe; and the manufacturers and retail distributors of receiving equipment who deal directly with consumers.

The SBCA is uniquely positioned in this debate on violence in television programming because the proposal before us today embodies both a modification of the receiving technology, as well as a recommendation for voluntary action by program producers to alert viewers to violence content in their program creations. We believe that the SBCA has a useful perspective on this issue because our members are involved both in program distribution to consumers, as well as technological development of satellite video delivery systems.

I am pleased to report to you that the home satellite industry has had the capability since 1986 of screening programs at selected rating levels, and that its usage is on the increase. Through the receiver-decoder technology, viewers have the ability to block out programming, provided that the signal carrying it contains the MPAA film rating system. Utilizing the rating data contained in the signal of a scrambled program service being received by the decoder, a viewer can set a maximum rating threshold for film programming. The decoder will then deny access to programs rated beyond that threshold, thereby enabling control of the rating level being viewed.

As an initial safeguard, access to the rating selection function in the receiver-decoder can be protected by the use of a password known only to the parents, for example. If a password is utilized when the rating threshold is set, then that rating level can only be changed using the same password. So curious youngsters who know how to manipulate the remote control on their home satellite systems are prevented from

accessing the rating selection function.

Satellite receiver-decoders contain all the MPAA ratings plus two others which I will describe shortly. The complete satellite rating guide includes **NONE, G, PG, PG-13, R, NC-17, NR, and X**. Thus for example, a parent could set the decoder at a maximum threshold of, say, PG-13. At this setting, the decoder would not allow access for viewing for any films rated above PG-13, such R, NC-17, NR, or X-rated, delivered by any program service. Films rated PG-13 or below would continue to be available for subsequent viewing.

The NR rating, while not part of the MPAA system, was adopted voluntarily by the SBCA programmers in early 1992 in order to screen those "adult" films which are not rated but which certain audiences might consider objectionable for viewing. It was added to the satellite industry decoding technology as a further screening threshold to cover a certain genre of films which falls between NC-17 and X-Rated. This level of screening, which you will note in the enclosed exhibit describing how to set rating levels in a satellite receiver, was added because programmers sensed that another threshold was needed for films which have not been submitted for a rating in the MPAA system. The market was a big determinant in the creation of this new rating level. (The NR rating was developed exclusively by the satellite industry to describe "adult" films and should not be confused with films which have no rating at all which are generally considered acceptable for all viewers. The latter are noted as "NONE" in the rating

selection menu of a satellite receiver-decoder and can be viewed regardless of threshold setting.)

A rating ceiling will affect all programming above the set threshold coming through a satellite system decoder from all satellites. It can be applied on a one-time basis and then rescinded, or it can be left in place to serve as a permanent guard against unwanted programming. Either way, the choice of the rating level of a film to be viewed is in the hands of the parent controlling the DTH receiving system. As a matter of information, satellite receiving technology is also capable of blocking out an entire channel, regardless of the programming, as well as the signals of an entire satellite.

The high-powered Direct Broadcast Satellite systems which will be going on line next year will also have parental control features, including a film rating selection capability, but the systems are still in the early stages of development. An additional advantage they will offer is that their program selection format will be primarily menu-driven. With the ability to list all the films on a particular program service, for example, the system will also be able to provide on-screen information on each film. For purposes of parental control, more information means better choice over programming. This is a good example of how a freely developing market place technology can serve some of the needs being discussed here today.

Of course for a satellite decoder to be able to act on the screening instructions of a

viewer, the appropriate information concerning the film's rating must be present. In other words, the system is bi-lateral. It only works when the program signal contains information for the decoder to act on, except, of course, for films which are not rated and do not contain any rating code.

In the present television programming environment, a number of program services already code the film portion of their satellite transmission signals in accordance with the MPAA rating system, and thus their viewing can be controlled by parent/viewer screening through use of the satellite receiver-decoder. In general, we believe that programmers are doing an excellent job in expanding the amount of information they are making available to consumers, including film ratings and on-air advisories of film content to assist viewers in choosing programs. The programmers are doing this to create and retain loyalty with their viewing audiences. From a viewer's perspective, a program service can be more desirable because any additional information as to program content can facilitate viewing decisions. And as video technology continues to develop, we believe there will be more avenues to choose from to provide even more information.

While a discussion of the technological side of this matter may appear to be straightforward, the presence of rating information in the signal, as I have stated, is a key factor. But developing such a system is easier said than done. For technology to be able to act on rating information contained in a television or satellite signal -- if

it is determined that the approach to this matter should be a hardware "fix" -- the coding of the signal must be uniform. This would entail a far-reaching voluntary agreement by all parties involved in program production, and in turn raises a host of other issues concerning creative rights and content thresholds which are better addressed by the creative community. But common sense tells us that arriving at a voluntary rating system which will be sufficiently uniform to interact with decoding technology is a complex matter which would have to undergo careful scrutiny before being implemented.

It would seem to us that there may be other ways to provide information to television consumers which can help them make appropriate program choices for their households because, after all, choice of programming in the end will be determined on a household-by-household basis. There are any number of private organizations, both for-profit and not-for-profit, involved in the video market place which are equipped to help consumers make informed choices as to levels of violence in programming. This approach also permits the market place to address this matter free of even the hint of government involvement in such a sensitive area.

We greatly appreciate the opportunity to discuss this important subject before you, and SBCA commends the Subcommittee for coming to grips with such a serious issue. We are pleased that the satellite industry has had the capacity to respond to these matters through innovative market place developments, and that we are in the vanguard when it comes to the utilization of technology for parental control. We believe that market forces can and do supply many of the answers to the complex issues under consideration. I will be pleased to answer your questions.

Mr. MARKEY. Thank you Mr. Hewitt.

And we thank each of the witnesses for their opening statements. We will now turn to questions from the subcommittee.

The reason that I asked Mr. Hewitt to come before the subcommittee this morning is so that he could demonstrate the advances that are being made in technology that empower parents to be able to block out the programming which they believe is not advisable for their children, even if the adults want it to come into their home for themselves. This is a new area in terms of a public discussion.

Over the last 2 months, we have tried in this subcommittee to focus the networks and others so that we can take the ratings system that is now being embraced by the networks as a good first step, but then to move on to a discussion of the second step that I have been focusing upon as well how then do you give to the parents the technological capacity to be able to block out the shows.

Well, it reaches a kind of ironic point here today because 3 years ago before this subcommittee when we were debating whether or not, in fact, we could mandate a chip being built into every television set in America as of June 30th, 1993, the electronics industry of America, television manufacturers, cried to the heavens that it would impose undue financial burdens upon them if they were forced by this subcommittee to include that capacity for the 24 million Americans who are deaf or hard of hearing so that a closed captioning capacity would be built into every single television set.

Well, as of today, the effective date of the act, all 24 million Americans who are deaf or hard of hearing will now have that capacity mandated into every single television set built in America. And it does not cost the \$25 or \$30 per TV set that we were warned it would cost but rather it cost \$5, \$4, \$3, \$2, \$1, in order to build in that capacity.

Interestingly, as the electronics industry of America and the television manufacturers of world constructed these television sets, they also built in the capacity for additional information to be transmitted into television sets and for remote control capacity to be able to block out that additional information.

At my request, at the subcommittee's request, the TV set manufacturers have agreed to reserve a space for a violence rating on every television set being built in America. That is going to be done. But in order for it to be effective, the programs that are broadcast by the networks, by the independent television stations, must have an additional stream of information in it, as they now do for closed captioning, that the deal with violent programming so that there are ratings, there is information being sent out that will allow the parents to push a button.

So the obvious question is raised: If you have determined that parental guidance is, in fact, necessary and if you are going to single out individual programs and if a parent, for example, has an 8-year-old child in their home that is willing to accept that these parental advisories are appropriate for their child, why wouldn't we want that information to be carried by each of the networks, each of the television stations with their signal as it goes into every home so that a parent could just push a single button at the begin-

ning of the week and just block out all of that programming that would have a parental advisory on it?

If you believe that it is programing that is not suitable for children, why wouldn't we want to give the parents that power at the beginning of each week to push a single button and then not have to worry about handing the remote over to their children? And then there would be no program that this child would be exposed to that the parent would have to be concerned about.

I throw it out to any of the broadcasters. We will take volunteers or recognize—why don't we begin with you, Mr. Littlefield. What would be wrong that as a proposal?

Mr. LITTLEFIELD. Well, I think one of the concerns that we have is really trying to look at—for the purpose of this discussion, I am going to try and categorize good violence/bad violence.

Very quickly, what's bad violence? It is gratuitous violence. It is violence that in any way is glamorized by television. We are in harmony with you. We are in sync. We don't want it on the air. As a parent, that kind of violence disturbs me. I don't want my kids watching it.

Now, good violence, what do I mean by that? What I mean by that is we take on socially relevant issues in network television constantly in our series and also in our movies of the week. We deal with issues like incest; we deal with substance abuse; we deal with date rape; maniacal cult leaders; we deal with historic incidents like the Civil War; we deal with issues like the Holocaust.

Mr. MARKEY. Let's stop there, Mr. Littlefield.

Let's agree with you for the sake of this discussion that the Civil War or other subjects such as Shakespearean plays or movies or television programs that use violence in its appropriate context are not rated but that you have made a determination that NYPD Blue or some other made-for-TV movie or some other particular specialized program is too violent. And you have decided to give it a parental advisory. You have made the decision that it should be rated that way.

Now, what do we do with the bad violence by your own definition that you are going to put a warning on? What rights do we give to parents to be able to electronically switch off all those programs as the week begins?

Mr. LITTLEFIELD. First of all, I want to restate that type of violence that we are talking about, we have said to you we seek to eliminate from our airwaves that type of violence that I categorized as bad violence. What I have said to you is, do not judge us by our past, look to our future.

Mr. MARKEY. I do agree with you that each of you at the networks is making a concerted effort to reduce the level of violence next season. And I think that is demonstrable by the schedules that you have released, and for that we congratulate you.

But for the remaining violence of whatever quantity that you determine is excessive and that will remain, what rights do we give to the parents to eradicate that from the screen by the electronic encryption that you will put into the system that will make it possible for the parent to just block out anything that you have rated yourself as in need of parental advisory?

Mr. LITTLEFIELD. Electronically, if there was an individual program or movie or event on our airwaves, we are not opposed to that.

Mr. MARKEY. You are not?

Mr. LITTLEFIELD. What we are opposed to is, at the beginning of the week, as was just stated, that anything that has a V-rating just gets blanketly pushed and blocked out for the viewing audience, because we feel many of the issues that, when I talk about good violence, the kinds of social ills that are prevalent in this society, those raise the consciousness of this country and then become, very often, issues right here in Washington that get dealt with.

And our concern is not to have that blanketting affect. However, individual selection based upon that knowledge, yes.

Mr. MARKEY. Would you, Mr. Littlefield, send the advisory electronically if, from your determination, it was deemed necessary to label that show as such?

Mr. LITTLEFIELD. We seek the individual representation of those shows, not a blanket labeling. We want decisions to be made specifically on those individual programs.

Mr. MARKEY. Again, once you have made those decisions and labeled them in your own discretion as being too violent for children, will you send those shows with that proper designation electronically?

Mr. LITTLEFIELD. Only if it can be done on an individual basis and not having a blanket system that labels a show with a V-rating. That we are opposed to.

Mr. MARKEY. Mr. Tortorici, would you be willing to send your programs that have been rated as in need of parental advisory electronically so that using the new technologies that are being built into television sets, using the concessions which has been made to the subcommittee from the electronics industry of America to put a chip in there so that the parents could block it out?

Mr. TORTORICI. If the technology existed that could accomplish what Mr. Littlefield describes, a situation-by-situation choice by parents and if by sending that information we were not participating in a system that afforded the blanket ability to block—

Mr. MARKEY. Just so you understand what I am saying, Mr. Murphy's network, yours, Mr. Tortorici, yours Mr. Littlefield, but include all the independent networks and cable, if there was a standardized parental advisory which all of you agree on in terms of what the signal would be and it was sent out with the cable, independent channels, or network programming, would you consider it to be a blanket policy if a parent just automatically had the ability to push a single button and knock all of that programming off that needed a parental advisory for their 8-year-old daughter?

Or do you think that the parent should have to go through and make an individual decision on each of those programs, knowing that the logistical result of that would be that out of 70,000 customers, only 4 chose to use the technology?

Don't you want the parents to be able to protect their 8-year-old from the programming that you all are determining needs a parental advisory?

Mr. TORTORICI. I think that the technology is coming into the marketplace to empower the parents to lock channels out.

And I saw in yesterday's newspaper another scientific device that is going to allow people to be selective in how they block out programming.

I think the degree to which we enable people to make individual selections as to what is inappropriate is appropriate for us to do.

I think, again, what we are concerned about is participating in a system that deprives people of choice by simply—by making that one button an excuse not to exercise discretion and not to exercise diligence.

Mr. MARKEY. But is that not a decision? Is that not a choice? If 95 percent of the programming is acceptable and 5 percent is not or 3 percent or 1 percent, isn't it a rational decision that the parent is making that you have made your own determination that this program is in need of parental guidance and the child is much too young if they will make that decision; or whereas the parent might decide that the 13-year-old can see it, and they are not going to block it out?

Why would that not make sense, that the parent be given a choice that their 8-year-old daughter not be exposed to any of this at all?

Mr. TORTORICI. I do not oppose a system that would give a parent that kind of choice. Again, I think our participation in it is cautious in our desire to make sure that it is not a negative choice that is categorical.

Mr. VALENTI. Mr. Chairman—

Mr. MARKEY. Let me talk to the broadcasters, and then I will come to you, Mr. Valenti.

Mr. Murphy?

Mr. MURPHY. I think, Mr. Chairman, that all four networks have really stated that they don't agree with your position that we should immediately have an electronic thing. We applaud where you are going. At this stage in our discussions—we have been able to discuss this, thanks to what Senator Simon and Congressman Glickman put together. It allowed us to talk.

I guess we feel nervous about being in a position where when you put something on electronically, we don't mind putting the advisory on. We don't put on any violence that we think is bad. Violence that is involved with the shows in the context of the drama is part of life and part of society.

We feel that we would be delighted to notify newspapers and TV Guide and any other system of communications, as well as our promos, that the shows have violence in it and consequently are listed as that.

But we think that, at this stage, it would be appropriate for the parents to make the decision on individual shows.

And, now, I understand your logic when you say they are not around to make that judgment and your concern on that. I guess from our point of view, we are scared of having this as an additional step towards eventually government involvement in the decision-making process in what we think is violent or what is appropriate on the air.

Mr. MARKEY. I promise you, we have absolutely no intention of making any decisions as to which of any of these individual shows is violent or nonviolent.

What we are saying is that you make the decision as to which programs need parental advisories. And you say that none of your violence is bad. Well, that means none of it is bad depending upon who the audience is. Steven Spielberg won't let his own child see *Jurassic Park*.

You might determine for a 14-year-old there is no bad violence in that, but a psychiatrist or psychologist might determine that it is bad for an 8-year-old. And an individual parent should have that ability as well, based on consensus guidelines that people used somewhat arbitrarily, as to what the age cutoff should be.

So if you determine that for an 8-year-old girl *NYPD Blue* is not a show which they should see, allow the parent to block out that programming, but technologically reserve the right for the parent when they are sitting there at 10 o'clock on Tuesday night to unlock it, but for the week, just in case they are not home, it is off the air, that gives the parent the right to unblock for themselves or for any other child in the home. But in the event they are not home and there is a week-long period where they are of concern, they have blocked out because you have determined—the cable and independent TV and the networks have determined that it is not appropriate.

Could you support something like that?

Mr. MURPHY. At this stage, we are not prepared. It is difficult to argue with the reverse of what you stated. But at this stage, the four networks' position is that we are delighted to put the parental advisories on and delighted to put it on the promotions for the shows and let the public make the decision. But at this stage we seem to be concerned with being crowded by eventually governmental control.

Mr. MARKEY. Again, I give you absolute assurances, this subcommittee and I think no other subcommittee in Congress will crowd you on that. It is strictly the decisions that you make about your own programming that the parents will be able to exercise, and that is the relationship. OK?

You four choose which programs you think need the guidelines, and give the parents power to block it out. Congress won't be involved at all.

Mr. Vradenburg.

Mr. VRADENBURG. It seems to me that one of the reasons that you are getting expressions of caution is that whether or not an individual parent will choose to allow his 8-year-old to watch a particular show may depend on the show.

The *Simpsons* may be deemed by some parents—when Homer threatens to strangle Bart—a little too much violence for an 8-year-old. But another show which has greater levels of violence may be acceptable.

So when you have a parent sitting there at the beginning of the week and saying we are going to block out all the programs which have a V-rating, you get nervousness here that, in fact, the parent is not going to have the capacity to exercise discretion. It is depending on the nature of the program. The nature—

Mr. MARKEY. But they can exercise discretion by sitting there and unblocking that particular show.

Mr. VRADENBURG. You are assuming that the parent is in the home.

Mr. MARKEY. That is the assumption that the network has made for a number of years, and that is the assumption that we are operating under; that when the parents are in the home, they can make discretionary judgment and give guidance to the child while sitting there.

Mr. VRADENBURG. Mr. Chairman, I think you have heard expressions of cooperation which would permit individual parents in a home to be able to block out, on a program-by-program basis, a program that he or she deems is inadvisable for a child.

And what you are getting expressions of concern about is a blanket approach. The example that you cited, Mr. Spielberg not wanting to take his kids to Jurassic Park, is something that he has chosen because of the parental guidance put on it to exercise judgment about that PG-13 movie. He is going to exercise a different judgment about a different PG movie. He is not blanketing and not allowing his kids to go to any PG movie. He has made his selection as to that movie which was appropriate. And we are not hearing anything from the four networks that would disagree with that proposition.

Mr. MARKEY. But parents can make that determination here and block or unblock any of the shows which they would like. But you have gone across the board logistically emphasizing the time required to monitor 40 or 50 or 60 channels.

And we know—and Mr. Cox gave testimony that I think is conclusive on this—that it is highly unrealistic in the real world for parents to monitor programs to the extent to which you are indicating.

Mr. VALENTI. Mr. Chairman, I—

Mr. MARKEY. Let me get Mr. Hedlund.

Mr. HEDLUND. Mr. Chairman, I really don't disagree with any of the comments made by any of the four network people here. Let me add that one of the things that concerns me—back up—what we are recommending be adopted by the independent stations, I don't think it is different from what the network is talking about—is labels that urge parental discretion.

We have not determined that a program is totally unsuitable for an 8-year-old or a 10-year-old or a 13-year-old. We are saying parents make a decision.

And there might be a variety of reasons that we could put such advisory notice on a film. It might be it has nothing to do with violence. It might be a sense of an adult subject, and some parents may think that the child will benefit from that.

Mr. HEDLUND. I think if you have an automatic blocking device where there simply is sort of an on-off switch that doesn't distinguish why the advisory was put on to start with, it is going to lead stations and perhaps the networks to use that device less than they otherwise would be.

If they thought the—they were simply alerting the parents that they ought to use their discretion to think about it, at least read a one or two line description of what the movie or the program was, I think the station would be inclined to use it rather extensively just to be on the safe side.

Mr. MARKEY. You see, I read it differently though, Mr. Hedlund. I see parental discretion advice meaning don't let your kid watch this, don't let your 8-year-old daughter watch this unless you are there to supervise and block it out, and if you are there, you can unblock it if you think your 8-year-old daughter should be seeing this. That is exactly what parental discretion advice means.

There is no way that a parent is going to be able to tell from a one-line squib in the newspaper what is inside of a program that consensus of the broadcasters might have determined to be potentially dangerous for an 8-year old girl to be watching. And I think that the intent of all of this, and the parental discretion, is to signal to the parent that they should be there if they are going to be watching that show or if the show is coming on, to make sure that the children leave the room before it even begins.

Mr. Valenti.

Mr. VALENTI. Mr. Chairman, I have spent my entire life in and around the political arena so I may look at this a little bit differently than my colleagues up here.

There are issues in this country which are the equivalent of violence on television: Abortion, gun control, you name it. What I am opposed to is indictment without appraisal, so I put with affection and respect a question to you, Mr. Chairman. Would you allow, when you go into a voting booth with 400, 500 names on there, to have a little button that says, I want to press the button and just vote for those candidates who are for gun control or against gun control depending on my feeling, or to vote for those who are for abortion or against abortion.

So by one button, without appraising the candidate, without knowing anything about it, you are making a choice and you wipe them all out.

I think it is very important that we understand that parental discretion, at least in the lexicon of ratings, doesn't mean you should see this without your child. It says maybe you shouldn't let your child see this unless you find out more about it. You might be perfectly approving of it.

For example, we might take a Duke Wayne movie, and I have seen some of them, that you might want to put a little violence rating on there, but a parent, because of Duke Wayne's, I guess, position in—on Mount Olympus, people would say, it is OK for a Duke Wayne movie.

What we are trying to say, Mr. Chairman, and I have to share—I share the view of the broadcasters, is it ought to be done individually. Just as you vote individually for a candidate on appraising his total or her total conduct in the public arena, so you ought to make the same choices on a program.

That is all we are saying.

Mr. MARKEY. Well, I don't know that the analogy is appropriate because this is a subject that, in fact, touches the very fabric of our society and what we are seeing in terms of violence permeating right down into the middle schools of our country.

Too many Members of Congress are out on the Floor right now talking about requests which they are receiving from their school superintendents to put metal detectors in suburban schools, suburban middle schools.

So it is a subject that is, I guess, a lot more profound than whether or not there should be a line on a ballot where you can just vote all Democrat and all Republican. I suppose you could do that and then unlock the Democrat or Republican that you might like, and many of our cities, Boston and Chicago, and I am sure Texas has a tradition with this as well, maybe not.

We know over the past that particular form, and with the ability to unlock the good Democrat or the good Republican that you would like, and I don't think it has done Democracy that much harm that you might simplify it with the ability to unlock that one particular exception.

That is what we are talking about here as well. There may be on occasion a good Republican, OK? I have been known to find one. I have one sitting right next to me. But in general, I tend to vote Democratic and maybe it could make it a lot simpler for me if I could go down the list and pick out that which I found acceptable.

Same thing true here for parents. You make the decision. You put the violence into a category on your own judgment that the parent might find to be unacceptable. All we are asking from you is that it be electronically sent into the television sets that are now being built across this country by law to receive that signal and then to allow them, with the technology available, to be blocked out.

I think it is a reasonable and modest request, working in tandem with the good work you are doing on the parental advisories that will give the parents everything that they are going to need in order to take advantage of the decisions which you will be making in the private sector.

My time has expired.

Mr. COX. Mr. Chairman, may I comment?

Mr. MARKEY. Very briefly.

Mr. COX. Just to broaden this discussion a bit, if you look in any of the grids listing television programs, you see broadcast networks, you see cable networks, you see premium networks, you see pay-per-view, and what is on television tonight is not just what is on the networks of those of us at the table but also pay-per-view. Dr. Giggles is on tonight, a very violent film.

What we are not talking about here is the presence of violence on television, because as television expands to 500 channels, becomes a much more pervasive delivery medium, I think the amount of violent programming that is going to be available—it is not the presence; it is the access, and what are we going to do to allow or prevent access to this violent programming that will be increasing, I believe, over the television systems in the years to come.

The presence is going to be there. We must provide adequate controls over access, and that is why I am very supportive of your proposal.

Mr. MARKEY. Again, we are not going to tell you to put on violence or not to put on violence. It is up to you which shows you put on, but parents are going to need the information in order to protect their children. My time has expired.

I recognize the gentleman from Texas, Mr. Fields.

Mr. FIELDS. Mr. Valenti, in your statement this morning, you talked about your pledge and you put it in a Texas context, and

last night when I was reading your testimony after midnight, it is interesting that I highlighted the one word "pledge", because in knowing you personally and knowing what you represent as an individual and how you conducted yourself in this town, I know that you would not put pledge in your testimony if you really didn't have a strong feeling and a strong commitment.

And so I went back through and read your testimony a second time, because I thought if you were pledging something I wanted to know exactly what you were pledging, and on page 1 you talked about meetings and you talked about that this morning in your testimony, and on page 4 you talked about coming forward with some type of intellectual framework from those meetings, and I also remembered, or it was triggered in my mind a conversation that you and I had about a week ago when we were going down to Governor Connelly's funeral and you talked about the good things that have happened over a period of time, much at your direction and with your guidance, how smoking and drugs and alcohol and depiction of minorities, seat belts, how Hollywood had changed its attitude and its methodology.

So my question is, in these meetings that you anticipate, what form do you think these meetings are going to take? You know, what type of timetable, and if you had to predict for this subcommittee today, what do you think will be the product of those meetings?

Mr. VALENTI. Good question, Mr. Fields.

What I am pledging is to make the best effort I possibly can to try to instill in our creative community through these meetings a heightened awareness about how to deal with telling a story on film or tape.

There are some 67,000 members of the Screenwriters Guild, some 8,000 members of the Screen Directors Guild, there are literally 400 or 500 production companies. We are dealing with a fragmented, sometimes mutually antagonistic and disparate group.

Each of these people is a creator in his or her own mind, which means that they tell a story the way they want to. Hopefully they will get somebody to invest in it and somebody to show it, but you don't even need a distributor today if you want to make a film. You can take it under your arm and take it to a theater if they want to put it on their screen.

What I hope to come out of these meetings is the same thing that came out of the meetings with drugs and all the other issues we took up, is for a writer, director, producer, all of those who have a part in the creative construction of a story, whatever it may be, when they are fleshing out their scene, instead of having a scene done one way, they might do it in another way in which they reduce the violence.

Now, there are many stories, such as I will give you one example called the Burning Bed. The theme of that story was wife abuse. It is very difficult to make the moral clear, not only is it unrewarding, but the stupidity, the squalid aspects both to the character of the woman and the character of the man, without showing some violence, otherwise you can't make your denouement. You can't get your climax. You can't tell the story.

So there will be some violence on television. What I am hopeful to do is through these meetings is to reduce the impact. And the word gratuitous, no one can define what—it means excess, but as I also pointed out in my testimony, there are questions to be asked.

Where is the line, Mr. Fields, beyond which violence is gratuitous and before which it is acceptable in the creative construction of a story?

You and I both know the Supreme Court in all of its high wisdom has been unable to define with precision the word pornography, can't do it, and so we are dealing with effervescent things. Movies and other things, they fly on gossamer wings. They are easily shatterable. They are very fragile and you have to put them together and each individual creator does that.

Now, I am going to hopefully try to get the awareness up so that when that single man sits down to write a script and that director begins to direct the scene, it is up here and they move down the gauge a bit.

Mr. FIELDS. You are one of the great communicators in this town and I just hope that you will be able to communicate to Hollywood the bipartisan interest that we have in this particular issue.

And, Mr. Tortorici and Mr. Littlefield, I was really touched by both of your statements because you talked about your young children. I have got a 3-year-old daughter and it appears that we are age contemporaries to some extent, and I would just like to be taken into your standards and practices, meeting or whatever you call your committee that reviews what is going to be aired, and would like to know what the incentive or the motivation is to air some of this programming that does have such a violent content.

If I remember what the Supreme Court said about pornography, they basically said you know pornography when you see. It would seem to me that as parents of small children, you would know violence when you see it and it would seem that you would be immediately put on notice if you feel that you have to put an advisory on a particular programming that might not be suitable, not only for young children, but also for our adult population.

So I would just kind of like to know what goes through your minds and what happens in those meetings when you are reviewing programming.

Mr. TORTORICI. Well, to respond, I think, first programs need to be time period appropriate because I think time period and the time of day that a broadcast is delivered to an audience has everything to do with the available audience who is there to watch it.

And we exercise tremendous discretion in terms of making sure that anything that could be on during a family viewing hour does not contain a level of violence that would be objectionable or that would require guidance.

This past season we had a couple of shows on that were on in the early evening hour that we have subsequently decided were inappropriate, and this coming season's schedule already reflects that change.

But I think with regard to the programs that could contain a level of violence, as I stated in my prepared remarks, the overwhelming bulk of those appear in the movie for television category, and on Eastern and Pacific time, those shows do not begin until 9

o'clock in the evening at an hour when adults are the intended users of the television set.

And second, we see—again, we try not to, as broadcasters, be censors ourselves. We do uphold standards and practices to make sure that we are broadcasting responsibly as all our affiliated known stations are required to do by their licenses, but at the same time, we try to convey as much artistic freedom to producers and writers as possible to get the best story tellers possible to tell their stories on our air and we try to afford them as much discretion in doing so.

The degree of discretion that we exercise is already cumbersome to many, if not most, but we still continue to exercise it and will continue to exercise it to a great degree.

Violence makes sense in a story where it is needed, as my contemporaries have stated, to make a dramatic point, and a number of very important dramatic points were made in violent ways just this past season. A number of pictures—*Child of Rage* dealt with child abuse. It did contain violent acts. When *No One Would Listen* was a story about spousal abuse. Again, points were made with violent acts.

There were any number of similar pictures that, again, made very significant points. Another picture which I am sure if any of the members of this committee had seen the last 20 minutes of it, there were numerous violent acts in it which were very difficult and very disturbing to watch, but it was about the case that was responsible for the enactment of the California stalker statute. It was called, *I Can Make You Love Me: The Stalking of Laura Black*.

Now, the response that we received to that program, because there was a notice posted at the end of that program for people who felt that they needed more information about this area, we had overwhelming mail and telephonic response to this because it responded—it touched a chord with viewers because this is a problem in society and there are victims who didn't know that laws were on the books to prevent this from happening.

So, again, was it a violent picture? Yes. Was it disturbing to watch? Yes. But we did the best we could, first to make it time period appropriate. The acts of violence took place in the last half, last 45 minutes or last half-hour of the program, 10:30 to 11 o'clock Eastern and Pacific, and it was there to make a very specific and very dramatic point.

So in our meetings, we make sure that if we are going to have any violent content or any disturbing content, that it is there for a positive purpose.

Mr. FIELDS. Mr. Littlefield.

Mr. LITTLEFIELD. Yes. The only thing I would like to add to Mr. Tortorici is that part of the process as programmers each and every day, ideas and treatments for programs are submitted to us, and on a regular basis, prior to word one being written, just listening to the idea, it is rejected if we deem it is inappropriate.

We do that constantly because as broadcasters, we have that awareness, and I will also say, bringing new awareness to the business as we move forward.

We then have broadcast standards reviewing all scripts, reviewing rough cuts, reviewing answer prints, and constantly and con-

sistently making changes, insisting on changes before they go on the air.

As Peter also mentioned, time period appropriate. Scheduling where this program goes is also something that is very, very important to who watches it, and now we also have this additional step of the parental guidance label.

I think that is one side of what we do, but I also want to point out, and it is part of what Mr. Valenti had indicated that this conference will be about. The conference is not only to get an awareness of our concern over depictions of violence in television, but it is also to say to the creative community, we want you to be proactive.

We want you particularly in the 8:00 and 9 o'clock hour, in that hour from 8:00 to 9:00 where we do have a lot of children watching, that we do proactive stories that can involve young people so that they understand the message as well. I think that is something we can do when we go to a 10 o'clock drama that may have some act of violence.

I will point out that a show like Law and Order on our air, I already mentioned about our police officers, that ranks 141st in terms of children who ever watch that show.

The fact of the matter is at 10 p.m. they don't watch. They are not interested.

Mr. FIELDS. The chairman is about to gavel me off, but I want to emphasize again that this issue is not conservative, it is not liberal, it is not Republican, it is not Democrat, and last night, after reading Mr. Valenti's testimony, I asked myself a question: Would there be a parental advisory system without the Television Violence Act? I came to the conclusion, no.

If the chairman had not assembled this hearing today, would the parental advisory announcement have occurred yesterday? I came to the conclusion, no. Should I support a chip? I don't know. I really don't know right now.

Should I support ratings? I don't know, and I am going to be truthful with you. I think August the 2nd and what happens immediately thereafter is very important.

When I was watching Nightline last night and I saw in hearings going back to the 1950's, 1960's, 1970's the same thing being said over and over and over, I felt almost a sense of embarrassment for this institution, and I have watched the chairman very closely and I have to say that I think he has exercised his power judiciously.

I don't think this chairman, and I know as a ranking Member, I am going to encourage that we not wait ad infinitum, ad nauseam on an issue that I think is very important.

And let me just respond just a little bit further. Those who have said that this issue is not the province of government, I think you are theoretically and constitutionally correct, but I think Congress does have a role, and while you argue correctly regarding your public responsibilities, I think you have motivations and incentives that are far different from us as elected representatives.

You have got to make a profit. You have got to compete virtually with everyone at this table, whereas we are trustees and we have to look at this country in a micro sense, and I hope that we look at this country with a detached perspective. And our profit comes

from knowing that we have represented our constituents, and I want you to know that our constituents are concerned, and I hope at your meeting on August the 2nd you are going to invite Members of Congress. I hope you are going to invite some of our staff, and not to look over your shoulder or to come in and play the role of a heavy, but I think we can play a constructive role and I think we can be cooperative.

This issue is very important and those of you who follow this committee know formally I don't enter into this type of monologue, but I think it is that important and I want you to know it is bipartisan.

Mr. MARKEY. I thank the gentleman. The gentleman's time has expired.

The Chair recognizes the gentleman from Texas, Mr. Bryant.

Mr. BRYANT. Thank you, Mr. Chairman.

I want to say first I am extremely encouraged to hear the comments of my colleague from Houston, and I agree with everything that he said. I think he was working his way around to the first observation that I wanted to make and that is the great impatience that I have begun to feel with this whole process and particularly this talk of conferences and all that business.

The bottom line, I would say to my colleagues, as well as to our guests here, is that you all have an obligation, and it is your first obligation, to maximize value for your shareholders.

Jack Valenti talked about giving his word, but you have already given your word. You gave your word to the members of your association that you would help them maximize value for their shareholders, and that is the same word you guys have given to your folks that you work for, and that is your first obligation.

You are not here today to talk about your deep feelings that apparently some of you have now gotten about this whole issue. You are here basically to keep us from acting in a way that might get in the way of your maximizing profits for your shareholders.

That is the bottom line. That is your obligation in our capitalist system, and I think it is totally naive of this committee to continue operating on the basis that just out of sheer goodwill you guys are going to do something.

First of all, you have had plenty of time to do it and you haven't done it. I am glad you finally have kids because you appear to be showing some social conscience about this, but I seriously doubt if that is the major factor I hear.

You are telling us basically you want us to leave the problem for you. At the same time you come before us and say you don't agree that violence in society is being caused by violence on the television. Why don't we wake up and recognize that?

What the public wants is not to have to get up every day and edit the day's television for the kids or for themselves, and what the public also wants is for other adults, not just kids, not to get a steady diet of violence on television as well.

And my view is that we are not going to see any significant change in this area until you recognize that the same thing that keeps X-rated sex off television should be used to keep violence off television as well. And I think that means basically that we are going to have to say it is going to become a standard by which we

judge whether or not you and your affiliates get their licenses renewed, a standard by which we judge whether or not you fellows are going to be able to continue doing business as networks.

I want to emphasize also that no one is saying that violence which is depicted in order to promote a nonviolent message should be banned. You keep going back to that. That is a straw man. I urge you to stop setting it up and knocking it down. Nobody has proposed that; nobody wants to.

Everybody recognizes that sometimes violence needs to be in a show. But I am not talking about that kind of violence and neither is anybody else.

I remember the name of that show, Mr. Murphy. It was called Double Edge or something to that effect. It was about 3 or 4 weeks ago and one of you three fellows approved it being on television. Does it ring a bell? It was a TV movie.

Mr. TORTORICI. Yes, it does.

Mr. BRYANT. It involved a policewoman who was sort of the good side of a bad twin. It was about a hit woman and she was out killing everybody. Now, I watched while this lady shot people with a gun. Everybody who got in her way, she killed. She thrust a knife into the heart of a person. She threw an old woman over the side of the stairs. We got to see her as she was sprawled dead at the bottom of the stairs. That was 3 weeks ago.

Today you are here saying "I have gotten religion." You are going to do these great things. You announced yesterday you are going to have a new standard and so forth. I just raise that, I think, as evidence of the fact that what we are really doing here today is you guys are trying to cut your losses, minimize damage, keep us out of your hair and we ought to recognize that is basically what you are hired to do, and we ought to do what we are hired to do, and that is legislate and deal with this problem now and stop pussy-footing around about it.

Mr. Tortorici, I would like to ask you to explain how it is that you are here today advocating what you are advocating if 3 weeks ago you approved putting a show like Double Edge on the television at prime time, which I happened to watch.

Mr. TORTORICI. First of all, it was a rebroadcast of a picture that had aired 2 years ago. When it aired 2 years ago, it had a very large audience there on a Sunday night. It aired at 9 o'clock Eastern and Pacific time.

It had an adult audience, not a children's audience, and again, we aired it in the same time period, at 9 o'clock on a Sunday night where there was no children's audience intended.

Violence in that picture, those violent acts did occur but they were not graphically depicted.

Mr. BRYANT. What do you describe as graphically depicted? This lady solved her problems by pulling out a gun and shooting people, people close to her, in one case her lover.

Mr. TORTORICI. And she was ultimately caught and apprehended and the mystery was solved. We did not glorify the dark side of this evil twin. The story was basically just the moral dilemma of good versus evil with good triumphing over evil. This time the storyteller decided to tell it within the two sides of the same person.

I am not going to try to try to defend this as great art, as Shakespearean drama. It was commercial drama but it did not advocate evil over good. It advocated good over evil. It did not show blood and gore. It did not show bullet ridden corpses. It did not show any of the graphic depictions of violence that would have occurred in an R-rated movie or even in a PG-13 rated movie.

Mr. BRYANT. Do you think it should be on the air now in view of your new attitude at this table? Will it be on the air in the fall?

Mr. TORTORICI. The question of whether or not it would be on the air or not, I am not prepared to answer the question. Whether or not it would have an advisory, I would say it probably would have an advisory.

Mr. BRYANT. Are you telling us that as long as the outcome is that the villain gets caught and something bad happens to the villain, that it is OK to put the violence on the air?

Mr. TORTORICI. No, I am not saying that. I am saying that is an ingredient to the story telling and glorifying violence, the question is whether or not, what is the ultimate message of the story. I think that is an important component and an important part of the ultimate message of the story. I do not think that is the only part, the fact that a good guy wins in a violent confrontation, but that the violence itself is glorified and the consequences are ignored is wrong.

Mr. BRYANT. So if in a show like that where at the end the villain gets it, and in a show like that we saw her stick a knife in a guy's heart, but you didn't focus and watch the blood run out of his nostrils, she just stuck the knife in the heart, then that show is going to be pretty much all right?

Mr. TORTORICI. No, I didn't say that. What I am saying is that if we are going to examine issues of violence, that we have to pay more attention to graphic depictions of the consequence of violence. If in a story we do not show that violent acts have horrible consequences, then I think we are being irresponsible.

Mr. BRYANT. Any violent act has a horrible consequence to the victim of the violence. The seven victims, for them it was horrible.

Mr. TORTORICI. There are also horrible consequences to the unintended victims of violence and that is something that we also need to show and demonstrate our concern about.

Mr. BRYANT. After 2 hours of a beautiful woman living a jet set existence by killing everybody who came into her path, at the end she finally met a deadly result. I submit to you that the little bit of punishment that came to her in the end didn't justify seven acts of violence which I saw after I tuned in to that show, and you are basically saying that it might.

Mr. TORTORICI. Well, again, I am not going to defend it as the greatest movie ever made, but, again, I think it was responsible in the message that it ultimately conveyed. We can differ over whether or not every frame of the film was responsible in the way it was compiled, but, again, that is—

Mr. BRYANT. I think your answer demonstrates exactly what I am talking about.

Mr. Littlefield, in an interview yesterday on CNN you stated that the program, Ambush in Waco, may not have received a violent warning because it was a news program. I think that—

Mr. LITTLEFIELD. That is not accurate, Mr. Bryant. I didn't say that.

Mr. BRYANT. You didn't? What did you say?

Mr. LITTLEFIELD. No. I was being asked about Waco and they showed a clip from it and what I said is, is that this is based on a true story and I said, in fact, the elements that were dramatized in that film, many are very much the same elements that appeared all over CNN and probably reported on by that very reporter who was interviewing me.

Mr. BRYANT. Would Ambush in Waco, that kind of program, receive a parental warning?

Mr. LITTLEFIELD. Let me make a few comments about that first. First of all, the only acts of violence that appeared in that particular movie of the week came at 10:45 and later in the evening in any time zone, and that is a picture that essentially is a warning that these maniacal leaders exist, much in the same way that there was a warning when we did the multiple Emmy Award winning mini-series Holocaust, and we are pleased to put that program on the air.

It was the highest rated movie in May, made-for-television movie, and, again, I point to any graphic—any violence that was in that came at that hour.

Now, under the new plan that we have now adopted, we would have to go back with our broadcast standards and look at every single frame of that film to make that determination.

Mr. BRYANT. You have already seen the film. So what is your answer?

Mr. LITTLEFIELD. I have already seen the film, yes, I have.

Mr. BRYANT. You are the boss. Would you put this warning on it or not?

Mr. LITTLEFIELD. I would say that film probably does not need that label. However, I will tell you that I am not the boss in this, that the broadcast standards operation functions independently of the head of the entertainment division, that they make that determination and it is important to our corporation that they have that power and control over the product.

Mr. BRYANT. So if we have another hearing in 2 years and we are not satisfied and we call you back here, we can't hold you responsible for anything you have said because the other group that you just referred to is going to be making the decisions; is that right?

Mr. LITTLEFIELD. No, I don't think that is right at all. I will also tell you that the producers presented to us doing a sequel to the Waco story. If you know the film at all, it ended with the initial confrontation between the law enforcement officials and the Branch Davidians.

That was the end, and then there was a much further story that was carried throughout the news for many, many weeks.

We felt that would be, well, probably a very successful rating, we felt that it would be inappropriate to even develop that film based upon the kinds of discussions that we have had here.

Mr. BRYANT. Let me just ask you this question. Mr. Vradenburg, you were perhaps the most plain about this but everyone else referred to it as well. If you don't really think that violence on TV

has much to do with violence in society, if that is the case, why did you decide to have this meeting and come out with these parental warnings?

Mr. VRADENBURG. Well, I think, Mr. Congressman, it is important for us to improve the level of information we are giving to parents to empower them to make those choices.

Mr. BRYANT. Why do you think it is important? If it is not causing violent behavior in society, why is it important?

Mr. VRADENBURG. Because I think parents are registering their concerns with us that they are not aware, sometimes, of the—in advance of the character of the programs that they see on television, particularly with respect to a made-for-TV product.

As a consequence, I think it is a responsible act on our behalf to try to give them advanced warning.

Mr. BRYANT. Why do you think they are worried about their kids seeing violence on TV?

Mr. VRADENBURG. I think they are worried because sometimes it scares kids, sometimes has other effects on kids, not necessarily leading to aggressive behavior, just because they don't want—they make those choices for their kids.

They think they ought to be empowered to do that. I think they are right to be empowered to do that and we are helping them be empowered to do that.

Mr. BRYANT. I have to say that is the most disingenuous answer I have ever heard.

Mr. MARKEY. The gentleman's time has expired.

The gentlelady from Pennsylvania.

Ms. MARGOLIES-MEZVINSKY. Gentlemen, I just have a couple of quick questions. One is, who will be on these panels that will be deciding what is violent and what is not violent in your programming?

Mr. MURPHY. I ought to answer that, I guess. For everybody at the network it is the standards and practices department that all the networks have, and the people that are on that are—just as a matter of fact, you might imagine I have been visiting with them a little more lately than I have in the past, and the people on that are former teachers and sociologists and Ph.D.s that are interested in child welfare and they are, like Warren said, empowered to specifically rate all the shows.

They review—review everything that goes on the network. All the scripts. Obviously it is a lot easier to review the comedies and things like that. But they know the shows they really have to zero in on. They look at the movies of the week, the original script, comment on it, say these things are not appropriate to over the air television and make modifications so.

So the people that do it are professional in this area and I am sure it is the same for the other networks as well.

Ms. MARGOLIES-MEZVINSKY. I submit that it would be a very good idea to get some parents on there, and I know the implication of what you said is that there are teachers, members of the community, but I think that—

Mr. MURPHY. They probably are all parents.

Ms. MARGOLIES-MEZVINSKY. But it would be a good idea especially to get some parents on there who have children who are young who are dealing with these issues in today's market.

Mr. MURPHY. You mean people that are not working for the company, you mean an outside panel, for instance?

Ms. MARGOLIES-MEZVINSKY. Yes.

Mr. MURPHY. It is a good idea. It would take them a lot of time, but it is something to consider.

Ms. MARGOLIES-MEZVINSKY. I think it would be time well spent.

Mr. MURPHY. Yes.

Ms. MARGOLIES-MEZVINSKY. And some kind of consumer outside group to do that.

The other question that I have is, is there anything that you can do with regard to the promos, the trailers? This is something, that 30 second or a minute that we see so quickly on television, which I am sure is not going to be labeled.

Mr. MURPHY. No. In the future, any show—I think I can say this correctly—any show we are going to put a parental advisory on will be imposed because we think it would have some violence on it, we want to alert the parents to.

All those promos, when the promos are on, will have the same parental advisory on, and if a promo for one of those shows is on in a time where children are watching, it will not show any violence at all. It will have the parental advisory but it will say—it will show part of the story or something like that but it won't show any violence.

I think that is the plan as I understand it.

Mr. LITTLEFIELD. I would just like to point out on your previous question about actually who are we using in these broadcast standards departments, that certainly for NBC, and I believe probably for the other networks as well, we, on a regular basis, go outside our company to social researchers, to psychologists and a number of other research foundations to say we are dealing with a complex issue here, we need more data, we need more information, and, in fact, please look specifically at this product.

That is something we do on a regular basis. It is not always just relying on the insular group, perhaps, from an individual company.

Ms. MARGOLIES-MEZVINSKY. Mr. Littlefield, what about the promos? It is something that concerns me because we watch these little snippets and you know how effective commercials and promos can be.

Will your network also make sure that in the promos and the trailers for movies, the reason we want children—you want anybody to watch these things is because you can see in this very short period of time a touchdown, something that is very appealing, and you know that we have learned, our response has been that violence, or that wonderful picture, is appealing.

Can we be assured that kind of action, that activity will be taken out of the promos?

Mr. LITTLEFIELD. As Tom Murphy just stated, clearly when we have the parental guidance label, that will be in all promotion. I will also tell you that we will have full representation at the August 2nd conference by the promotion organization.

We are not treating them as a separate appendage from the organization. They will be John Miller, who is our executive vice president of advertising, and promotion will be a speaker and will be a full participant with his department in the August 2nd conference. We don't intend to go forward with new glasses and just ignore this entire area.

Ms. MARGOLIES-MEZVINSKY. Thank you very much.

Thank you, Mr. Chairman.

Mr. MARKEY. The gentlelady's time has expired.

The Chair recognizes the gentleman from Ohio, Mr. Oxley.

Mr. OXLEY. Thank you, Mr. Chairman. I referred in my opening comments to an article in the New York Times today, and it would be interesting to return to that and maybe ask a few questions based on that.

Mr. Andrews, in his column, states the reason that there is some cheering up here on the Hill is because the broadcasters and their advertisers share a political secret. The threats in terms of government intervention were always hollow.

Lawmakers have circulated several proposals that would have given parents more power to block out violent shows, but those proposals had little chance of overcoming the lobbying power of the entertainment industry.

Indeed the networks were more fearful of a continuous stream of bad publicity than actual legislation.

What about that? Let me ask the networks. Jack Valenti here is a well respected representative of his industry. He is a lobbyist, makes no bones about it. He is very effective at it. There are those in the networks that appear to convey that somehow the networks are not ever engaged in lobbying; that would be below them.

But there are some inferences that in fact the networks do lobby, and I don't want to put a negative aspect on that. I just think it is somewhat hypocritical of the networks to give the inference to the public, mainly through their news departments, that the bad guys engage in lobbying, the opponents of broadcasters, but the broadcasters somehow don't do that.

It seems to be a bit disingenuous and certainly misleading if the public is given that kind of perception.

I don't have any objections to the networks coming in and giving their story to me. That is what they do. I mean, they ought to do that. They ought to have a right to do that. They are protected by the First Amendment, make an argument that the V-chip is not adequate or it wouldn't work. That is what their role is.

But it seems to me that this perceived inability to deal with the issues directly as some of these people do outwardly is a bit misleading to the public.

Mr. Murphy, you want to start on that?

Mr. MURPHY. Well, I certainly would like to comment on that. Chairman Markey has seen me so many times that he would have to think that I am some form of lobbyist. As far as Jack Valenti is concerned, I have lobbied against him for the last 8 years and I want you to know I am zero for eight.

I am down here all the time for the last 40 years either seeing the FCC or seeing Members of Congress and trying to present our case, and I am not aware that the networks—I am not so sure how

effective we have been, but certainly I consider that part of the American process and I would not want anyone to think that there is anything that we look down at all as far as lobbyists."

We frankly have to protect our position and that is what part of my responsibilities and my job is.

I don't know whether anyone else would like to comment on it, but I would hope that answers your question.

Mr. OXLEY. Thank you.

Mr. TORTORICI. I had the good fortune to meet the chairman and a number of members of this committee a number of years ago by coming down here to again introduce myself and what we do, and make some connection one-to-one and as a group so that the mysteries of television would be less mysterious and we would have an opportunity to open a dialogue.

That was something that was not just an individual effort on my part, but part of an overall recognition on CBS' part which has been ongoing, that this is an important part of our business, that we are in a quasi public office ourselves because of the contact that we have with the incredible number of American people that we deal with on a daily basis and that we need to be part of this dialogue.

So there has been absolutely no feeling on our part that we are above it all, but rather that we are certainly a part of the process.

During this particular time in our business, we are embarking upon any number of new and different directions that none of us are really clear about, both technologically as well as where program interests will come and go from, and we recognize that because these are uncharted waters that we need to discuss these issues together so that, I think, the relationship between broadcasters and our particular company in Washington has never been more acknowledged.

So, again, where that perception might come from for this particular reporter, I am not sure, but from our very public posture, this is again a very open relationship.

Mr. OXLEY. Let me ask each one of the networks to comment on the statement that came yesterday and the statement is, "We cannot allow broadcast television to become barren of dramatic excitement. We cannot participate in a process that, while well intended, condemns advertiser supported television to such bland fare that it would forsake a higher, more sophisticated level of dramatic conflict."

I am a lawyer but I am not sure I know what that means. Could you help me with that? What does that mean?

Mr. TORTORICI. I think it was my boss who said it so I probably should try to interpret it. I think that one of the things that we have been very concerned about during these hearings is that the word "violence" is one that causes immediate reaction to anyone who is part of the dialogue, and there has been violence in story telling as far back as the ancient Greeks are concerned, but the question is, how do we effectively deal with violence in story telling?

What we have been concerned with is a blanket condemnation of anything that has anything to do with violence in a theme or story so that, again, people would not have the access to story telling

that has violence as part of its—as part of its context, as part of its message, and I think one of the things that these discussions have helped to focus upon is, again, the use of violence, how it is depicted and what its consequence is within the story, and I think what we are afraid of is that because of whether it is a rating system or anything else that labels violence, it encourages advertisers, it encourages people who are not willing to examine the issue on a case-by-case basis to just make one decision and say that anything that has anything to do with violence, I am not going to watch and I am not going to permit access to, and in the process of doing that, we would block out any number of very important, very significant pieces of artistic work, whether it is Lonesome Dove or any number of the other movies for television that we talked about.

And, no, not every one of them has accomplished that kind of social consequence and those are the ones that we are going to be examining most carefully. But I think what we have been afraid of is that because anything has a violent act in the body of its story, that will be an excuse to not have it carried, not have it supported, and in particular on advertiser-supported television.

The thing we worry about is, again, we are funded indirectly by the public. We are funded through advertising. Are we saying that it is OK for the public to buy violence on their own, that is OK, that is fine, whether it is on cable or in the movie theater but it is not OK for acceptable violence to be broadcast because advertisers are afraid to be associated with it? That is the kind of dichotomy we worry about.

Mr. OXLEY. There is a big difference obviously between a broadcast network show that comes into virtually every home in the country that—and a difference in going out to a movie where you make a particular decision to do so, whether you take your kids or not or the like, and indeed whether you subscribe to cable and if you do indeed subscribe to cable, whether you subscribe to particular premium channels that carries that, you make that decision in the marketplace.

I would submit that the parent in many ways today doesn't have that ability. The parent is out of the house. The kids have got control of the TV set. Whether they like it or not, they are watching what you put on television, and the realistic part of this is that you have got to combine some rating system with empowering the parent, and, again, we are talking now about what kids can see, empowering the parent to determine what his child should or should not see, short of simply turning off the television set, and assuming that the parent is not going to be there to turn off that television set, then the next best thing is to give that parent the ability to determine what his child should watch.

Now, what is wrong with that?

Mr. TORTORICI. There is nothing wrong with that as long as—

Mr. OXLEY. But you seem to be arguing against the concept that we heard from Mr. Hewitt which would empower the parents ultimately to determine what kind of fare his kid can watch.

Mr. TORTORICI. I am worried about the system of implementation. I am not arguing against the concept.

Mr. OXLEY. What you are worried about, I would submit, is enough parents determining that they don't want their kids watching violence on television affecting the bottom line of the network.

Mr. TORTORICI. Absolutely not.

Mr. OXLEY. Of course it is.

Mr. TORTORICI. No, I am not. The point I would like to make in response to the question is that out of all of those people that you talked about, we are the only ones who do edit movies.

We are the only ones who do have standards and practices. We are the only ones who do have guidelines that deal with violence because we are the only ones that go into a home uninvited so to speak because we are broadcasters.

Out of all of the other purveyors of entertainment, we are the only ones to exercise that discretion. Will we do a better job of exercising that discretion? The answer is absolutely yes.

Are we worried about people indiscriminately turning off good programming because it has been labeled by someone? Yes, we are worried about it being indiscriminate, labeled by us, labeled by anyone.

Mr. OXLEY. You label it and assuming that your industry makes those decisions, then what is wrong with the parent being able to rely on your decisions as to the amount of violence and making that determination in the marketplace? It seems to me it works perfectly.

Mr. TORTORICI. Nothing. We support that. It is just a question of implementation. It is just a question of what is a system that allows the parent to exercise that.

Mr. OXLEY. You already showed us the technology exists and the chairman spoke eloquently of that earlier. So the technology is there and I just question the will of the networks to try to work with us to implement that.

Now, I just—I want to see what happens after August the 2nd, what the next chapter is in this, in this morality play, and I guess we will wait to see what happens, Mr. Chairman.

Thank you.

Mr. MARKEY. The gentleman's time has expired.

The Chair recognizes the gentleman from Kansas, Mr. Slattery.

Mr. SLATTERY. Thank you, Mr. Chairman.

To just follow up on what the—my colleague from Ohio was getting to, really bottom line what we are talking about is whether parents are going to be asked to go through this type of TV guide magazine weekly presumably and go through all these countless programs and decide on an individual basis which ones they are going to mechanically block out.

That is what you gentlemen are suggesting is really the proper thing to do.

The problem, of course, we have is that many parents in this country can barely set their VCR's and this is a very intimidating mechanical task that you are asking them to undertake, and what the chairman of course is suggesting is, instead of paging through the TV Guide every week and trying to guess which programs they would block out and which ones they wouldn't, what the chairman is suggesting is that we would just say, all those programs that have a rating of V perhaps will be blocked out.

And then the parents could come back and say, well, let's look at the V and make a decision individually on which ones they might want to allow to be entered in their living rooms and viewed in their living rooms. What is so wrong with that?

I mean, does it really make sense for us to ask all the parents in America to thumb through the TV Guide and individually block out literally dozens of programs every week? Isn't that a bit intimidating task to ask our parents all across the country to undertake?

I would like to ask this question again. I mean, this is really what we are talking about, Mr. Tortorici and Mr. Murphy and all the rest of you for that matter. I mean, you are not convincing me that it isn't a good idea for us to have in place a system that will enable our parents to just say, I don't want violence in my living room, period, exclamation point, end of discussion.

Mr. LITTLEFIELD. What we are saying—

Mr. SLATTERY. Then if I decide that I want to watch Lonesome Dove, which I did and I thought it was a great program, then I can make the decision that we will watch Lonesome Dove or whatever else may be offered.

But what is wrong with us having the ability to just say, I don't want violence in my living room for my 8-year-old or my 11-year-old or my 14-year-old. Tell me again. You haven't convinced me.

Mr. LITTLEFIELD. What we are saying is that we do not want all that programming lumped together into one category. That does not discriminate.

Mr. SLATTERY. Let's talk about a more sophisticated rating system somehow and what we are envisioning—let me make this perfectly clear. I am not advocating censorship or interfering with your First Amendment rights of freedom of expression. All I am advocating is that, as a parent, I want to have some foreknowledge of what is going to be on my television screen that evening in my living room, whether I am in my den or whether I am in my living room, or wherever I am. I want to know what is coming into my living room through this powerful medium we call television.

Mr. LITTLEFIELD. I would like to introduce one piece of information. I am holding a program demo ranking for the NBC television network for the month of May, the May sweeps, and it is the program ranking for kids 2 to 11. What we are talking about is what are children watching. And I will read off the shows based upon the highest ranking on down. Cheers special, Cheers, Blossom, Fresh Prince, Fresh Prince, Blossom, Blossom, Blossom—they like it—Fresh Prince, Saved By the Bell special, Cheers, Cheers, Cheers, NBC movie, Fried Green Tomatoes.

These are the programs in demographic ranking of children 2 to 11 that they are watching on television—

Mr. SLATTERY. Let's get back to the question of how we can effectively—

Mr. LITTLEFIELD [continuing]. —What are the children watching and how should they be supervised. And I think that is relevant.

Mr. SLATTERY. That is my point. What you are asking us to do is thumb through this magazine—I mean, this is impossible to ask the American parents to do this—and start individually X'ing out those programs they don't want to view on their televisions.

And what the chairman and those of us on this side of the table are suggesting is that we should have the ability to punch out all the violence and then come back and selectively decide which violence we want to watch.

Now, I understand that creates a problem in terms of how you label your programming. You've made that point. I understand very clearly, also, that if you label a lot of things as being violent, you will have advertisers flee from you. I understand that. I understand that is going to cost you millions of dollars. And let's not deny that. That is really what we are dealing with here.

Now, what we have to do then is come up with a more sophisticated way of dealing with this so that perhaps you, in this trial period as the determiner of what violence is, good violence, and what is bad violence, you are going to make that decision. We will review that after a while and see how you are doing with that.

Perhaps, in that context, it seems to me we ought to be more sophisticated in determining the violence we saw in Lonesome Dove versus the violence we saw in the thing about Waco or Murder in the Heartland or others that have been on television. Cannot we see that we are more sophisticated in this process, is what I am asking you, of developing a rating.

Mr. VRADENBURG. I do think there are probably sophisticated, easy-to-use, discriminating technologies that will allow program-by-program selection or a channel block-out capability. You looked at ABC and I think you would see the same thing on NBC and CBS. There are only a few programs on there in which there is the parental issue, and the made-for-television movie night.

But by and large, if you had an easy-to-use program selector, you could go through and decide, if you were a parent, Blossom, that is OK; Fresh Prince, that is OK; NYPD Blue, that is not OK. And let me look for the movie night, and by looking at the four networks, you will have looked at what 75 percent of the American people and their kids are watching. You can block out MTV. You can block out on a channel basis the movie channels if in fact you don't want your kids watching that.

Mr. SLATTERY. I understand that, but what I am going back to is the question of the other programming where, instead of it just being a V that puts Lonesome Dove and all of this stuff together, a more sophisticated way of distinguishing between what one panelist has called good violence and bad violence. OK?

We all acknowledge that you cannot tell what happened in the Holocaust without violence, for goodness sake, and I watched those programs and I thought they were some of the best I have seen. You can't talk about Gettysburg or Normandy or a lot of historical events, which I wish the public knew more about, without portraying violent acts. Call it good violence. I am not suggesting that should be blocked out.

But we have to be able to distinguish between that and the other gratuitous stuff. And all I am saying is, let's think about how we can devise this rating system or advisory system in a more detailed manner and that is what I would like for you to be thinking about.

Now, let me move on to another subject, if I may. I recently read in the Wichita Eagle an interesting story from The Los Angeles Times and The Washington Post service also. Let me read what it

says. Forget Captain Kangaroo, Mr. Rogers, Shari Lewis, Barney the Dinosaur, and all of the other warm kiddie hosts you have ever known. It is time to start preparing your children for the Crypt Keeper, a putrid puppet in the form of a rotting corpse that will host a new Saturday morning cartoon series on ABC this fall.

Now, it goes on to say that, for one thing, several characters will be killed off in some fashion, breaking a cardinal rule in Saturday morning programming that says characters cannot die.

Talk to me about this, Mr. Murphy. This is not something we concocted in the heartland. This is something that was written up in *The Los Angeles Times* and in *The Washington Post*. And I am just curious, this story is rather alarming to some of us. I have already received from my constituents others copies of this, you know, expressing concern. They are saying, here we go again. What is this about? Talk to me, Mr. Murphy.

Mr. MURPHY. The good news is that my people told me about it and so I have an answer.

Mr. SLATTERY. That is good, I suppose. Let's hear the answer.

Mr. MURPHY. And I am sure that the people who wrote that have never seen anything about this show. The fact of the matter is, apparently I believe it has been on cable. And there was an MC, a master of ceremonies that was like a skeleton. That is not what is going to be on our show.

And the show is going to be morality things which actually are designed to tell stories to children about the right things to do, not the bad things to do. So I think as is typical—another example of what is going on right now is this fellow, Dr. Wildman, out raising money for himself by saying how terrible NYPD Blue is. Of course, he has never seen it and that is the same case in this thing. We are not going to put anything on for certain that is violent or objectionable. That is crazy.

Mr. SLATTERY. The story goes on to say that the Crypt Keeper's stable of creatures including a werewolf, mummy vampire and zombie, are drawn to be terrifying with razor sharp claws that can slice through stone. I am just telling you that the press accounts from *The L.A. Times* and *The Washington Post* service about your new program is not encouraging. But with your assurances, I look forward to seeing this show in the fall.

Mr. MURPHY. And we are in the newspaper business also, and they have to write something everyday.

Mr. MARKEY. The Chair recognizes the gentleman from Louisiana, Mr. Tauzin.

Mr. TAUZIN. Thank you.

I want to follow up on my colleague's line here. I have a theory. The theory—first of all, I grew up in the Audi Murphy, Gene Autry era. We saw a lot of shooting and a lot of killing, but it was a different kind of shooting and killing and violence. You know, when somebody fell off the roof in the cowboy movie, we saw that it was a dummy that hit the ground. It was a stunt man that fell on some blankets. The theory is that we have gotten so good, Jack, in film, we have gotten so realistic, that it is becoming real now. It is not just the movies. It is real.

And when I took my 10-year-old kid to see *Jurassic Park* with some concern, and when we finished it, I said how did you do,

Mike? And he said, dad I kept trying to tell myself that wasn't real, it was just a movie. Those kids aren't going to die. They are just actors. But my heart wasn't listening.

It is the reality of it. And what concerns me so much is that we don't now see people getting shot at and killed like we used to see in the Gene Autry and Audi Murphy movies. We see the bullet entering and exiting. We see the blood and guts and gore, and we see mutilations and dissections and people ripped apart, disemboweled, horribly burned, crushed, splattered, smashed. We even see graphic devourings, consumptions.

And I am not talking about the dinosaur that ate the lawyer. Everybody kind of liked that. I am talking about Richard Daumer kind of scenes. We see violence and horror in such a light in so many close-ups that we become desensitized to it and our children become desensitized to it. When I was growing up, I couldn't imagine what it was like when somebody got shot in the face. And I said, gee, that must be awful. Today we see it and we are desensitized to it.

And I am not saying I am going to run out and shoot somebody in the face, but I am saying that a whole generation growing up with less sensitivity, what an awful thing, is more likely to pick up a gun and shoot a classmate because they disagreed at a ball game or hit a kid with a baseball bat because they disagreed with him.

And it occurs to me as we have this discussion today, I think Mr. Hedlund, you are right, I think if we have this system of warnings to Americans, that this is a program which you might want to check before you let your kids see it, and we have a device on the television that let's parents lock out of those out, that we are going to get fewer warnings.

And that is disturbing to me, because I would like to see more warnings, more parental actions. What you have said, Mr. Cox, is equally disturbing, however, is that is if we adopt what most of you recommend, which is a warning system and a case-by-case decision by the parent to lock it out, the parents won't do it because we don't have time.

We simply don't have time in our busy life to look at everything on that menu, learn about it, read more about it, and decide whether to lock it out, we are not going to do it.

And so it occurs to me that if that is true, if you really don't want us to do what the chairman is asking us to do, to give parents the one button lockout on this warning, because, as Mr. Hedlund points out, that may be wrong. There may be some things that parents really ought to show their kids, even though they have been warned that they ought to check it out first.

Maybe it means that you have a higher duty than you are yet willing to admit to us not to show some of these scenes, and do a heck of a lot more than even you have committed to do today in making sure that some things don't appear so graphically, so realistically, that we lose our sensitivities to the human nature of our humanity.

Maybe it means that we need more than one category of warnings. Maybe there ought to be a category that does get locked out by the V button that is so graphic, so horrible, that none of us want our kids exposed to any more of that, and maybe another cat-

egory that includes all the things that we ought to, case by case, examine and see whether it is worthwhile or worthy for us and our kids to look at it.

Maybe, as my colleague has said, we need to think a little more sophisticatedly about the warning system and about the different nature of the violent scenes and the differences in how graphically we portray them in our movies.

I mean, Jack, you know, I am like Mr. Bryant, I watch them. You know, and I can't complain about them if I watch them, I suppose. They get my attention and they are exciting, but God, we have gone so far. And the more we expose our children to this kind of stuff, I think the more we dehumanize them.

I want you maybe to come back and talk to me about it, Jack.

Mr. VALENTI. Congressman, again, as I said, I am a parent too, and my wife and I followed the movie ratings very carefully. My children never saw an R-rated picture that I hadn't looked at before. You took your kid to Jurassic Park. We told you in advance, PG-13, some material may be inappropriate for under 13s. We warned you, but you took your child, and I don't know what kind of lasting effect.

Probably the same when I saw Dracula and Frankenstein and my children saw that. I cannot tell you, as I said earlier, what role television violence plays in the soiling of this society. I just don't know. But 25 years ago, I determined to drag the movie industry kicking and screaming—and I might add, Congressman Bryant, I did not take a pledge to see that all I had to do was have profits made to my companies. My integrity is larger than that. And I respect yours very much, because I know you to be a man of great integrity. And I just hope that you might accord to me some of that same.

I actually denounced a picture made by one of my member companies, publicly tore into it, for having been a tissue of lies, a squalid mauling of the truth about a President that I served. And I told the head of that company, I said if the price I pay for this is resignation of my job, I am willing to do it. Because I don't take any pledge to warn and guarantee misconduct of people I serve.

I served my country and I almost died for my country and I will do it again, and I feel the same way about violence. I don't know what role it plays. We are trying to diminish it. Now, probably what we need is some precise definition of violence. Congressman Tauzin, I agree with you.

This rating system, which will be 25 years old on November 1st, was put in by me in order to make sure that parents had some advanced cautionary warnings so they could make judgments about what their children saw, because some of the stuff in movies I must tell you, I find offensive. I would never defend it. I think some of it is so heinous that I don't know what to say about it. But, thank God, there are only a small portion of those pictures that way.

Before I finish, I want to put some facts on the table because we are beating up on television pretty good and perhaps some of what is on television deserves it. But television, as a whole, has been a salutary thing for this country, and while I think we ought to denounce that which is wrong, possibly what we also ought to do is declare that which is good.

The 10 most popular television shows for children under 12, of the 10 that children watch—and this comes from Nielson, which is the Bible of viewing—of those 10, not a single one is violent. Not one. So the question is, as Howard Rosenberg said in *The Los Angeles Times* this morning, he said if kids are watching these benign shows, then who are the ones being turned into criminals from TV. The 25 most popular television series on television today are not violent.

I agree with you that the murder rate in my hometown of Houston is abysmal, and Washington is not far behind. You mentioned that Japan had a low murder rate. You are right. Britain and Switzerland, they are watching the very same television shows in Great Britain and Switzerland and Japan that we are watching here.

Maybe, just maybe, there is some other darker menace intruding on the society that is causing a lot of the violence which is spoiling this great republic. So I am not going to sit here and defend movies, because all of them can't be defended. Most of them can. I am doing what little I can with what I can do to try to bring to lower levels of violence. I would like to eliminate it all.

I don't know how to do that because I think that would be a wrong version of the society. If kids can't watch it on television, then they walk out the front door, Congressman Bryant, and you can't edit out once they walk through that front door.

And the reason why you have metal detectors and some kids are packing .357 Magnums into the school yard, I don't know what causes them to do it. Maybe it is because they don't have any parents or they have abandoned the church and the school is without discipline and there is some mental disconnect that causes someone to walk into a post office and fire everyone down or firing at a swimming pool here in Washington.

But we are trying what we can by saying that, if television is a small cause of it, then we have to do something about it. And that is why we are here. I am not saying that we are going to make the world pristine and pure, but I have got to tell you, Mr. Congressman, that I feel strongly about this and I am going to do my damndest.

I can't guarantee anything—I will do the best I can—any more than this committee can guarantee—that this Congress can guarantee that this country comes out of its slump that has been squandering its wealth and shattering its future.

Mr. BRYANT. Will the gentleman yield?

I would just say back to you, where have you been for the last 2½ years since 1990 when we passed the bill? This all sounds great. Where have you been?

Mr. VALENTI. I have been administering a movie rating system, Mr. Congressman. I don't deliver programming. However, the programs that do go anywhere, we tell you if they're violent. I have been doing that for 25 years. Not 2½ years. 25 years.

So where has this Congress been in even admitting that has been done in the movie industry?

Mr. TAUZIN. Let me try if I can to get an answer to my specific question. Is it possible to amend the ratings system that you are apparently beginning to come together on so that there is a very bad category of violence that would be under your own definitions

of it such that you could accept the chairman's notion of a V-rating blackout during the day as opposed to a second category of warnings to parents that there are violence or other adult themes, other things you may want to check into and black it out on a case-by-case basis? Would you try it?

Mr. MURPHY. I don't think so. That doesn't mean that it can't be done. If there is something that violent, we don't want it on the air. We go into every home. As I think I said—

Mr. TAUZIN. But let me stop you. It is already there.

Mr. MURPHY. The stuff we put on is P or PG. And we edit everything that comes out of Hollywood. If we put Rambo or Terminator II or Cash and Tango, all of that stuff is edited.

Mr. TAUZIN. Let's assume that you are the good guys, but somebody is putting it on.

Mr. LITTLEFIELD. What you have described is not on network television. You very graphically described acts of violence which we are saying to you do not appear on our network. We make those edits. We make those edits in feature films and scripts that are developed for us. That is part of the issue.

Mr. TAUZIN. But they are on television, and if it is not you, who is it? Is it cable? Is it satellite? Obviously we are getting uncut films with the kind of violence I described graphically to you today, and my point to you is that, if that stuff is going to make it on television, doesn't some of it qualify for a hard enough level of violence that it could be X'd out by a parent with a one button switch?

Mr. MURPHY. You don't get those violent movies on the networks. They—

Mr. VRADENBURG. You don't see the graphic blood splattering on network television.

Mr. TAUZIN. Can we quickly get an answer from anybody else?

Mr. COX. Certainly the premium networks run uncut movies and we have no problem if someone wants to be able to press a button and block out that show. They can block out my entire network if they want. If they want to block Showtime out for the day or week or month, that is fine. I think that ought to be their choice. We have been doing that for 15 years, in essence, and that is something.

Mr. MARKEY. The gentleman's time has expired and it is for this reason. I want to give each one of you, because we are going to adjourn the hearing, a 1-minute summation. So can you tell us what little that you want us to remember as we proceed on this subject.

We begin with you Mr. Hewitt. You have 1 minute to tell us what it is that you want us to retain.

Mr. HEWITT. Basically, as we demonstrated, we have the capability of handling any kind of ratings system or channel blocking system that anyone would come forth. We would caution and we understand that it would be difficult to come up with any kind of system.

And we don't in any way want to say that we want to impose upon the creative community or the broadcasters or programmers that responsibility. But we will also state that we have ongoing meetings with the various cable programmers. We have one coming up in 2½ weeks and this topic is on the agenda.

And we will discuss with them if they want to take any further steps to add additional abilities in our present block-out capabilities to include certain issues of violence. We will undergo those discussions with the programmers and will continue to have that dialogue with them.

Mr. MARKEY. Mr. Hendricks.

Mr. HENDRICKS. Mr. Chairman, I think we are here because America is yearning for their television to be safe again, like many of us experienced back in the 1950's growing up. And in a strange way, we made a business providing safe television through The Discovery Channel and Learning Channel.

A rating system which would provide a labeling of a G, PG, and an R, across the board in a way, I think, would increase our usage and comfort of a lot of different networks on television. And, in a strange way, it might diminish the value of The Discovery Channel because people could discover for quality programming on competitive networks we are supportive of what we are trying to accomplish.

Mr. HEDLUND. Mr. Chairman, let me use my minute to respond to Mr. Tauzin who you had to gavel shut. I would like to explore the idea you have noted of a V-chip sort of thing that would click in for only the most extreme type of violent programming with the use of parental advisories, but advisories that would require parents to actually give it some thought rather than have it stripped automatically, all forms of it.

And I think that is something that we would not necessarily find unattractive. Maybe it is my sense of the sorts of movies or action you don't think is appropriate on television that I happen to agree, I don't think is appropriate either, and I don't think that, on most independent stations, that programming appears or should appear. It really—the tough one is getting down to what is it that is inappropriate to put on the television and there is where reasonable people can differ.

Mr. MARKEY. Thank you, Mr. Hedlund.

Mr. Cox.

Mr. COX. Quickly, Showtime supports providing our viewers with better information, and if that means a rating system, a more sophisticated one as we were discussing, we endorse that. We support technology that will indeed give parents more control over the ever-growing influx of programming choices into the home. I think, absent that, we run the risk of losing all control.

I think the cable programmers, by and large, have been responsive to the requests of Chairman Markey and the legislation and will continue to be so.

Thank you.

Mr. MARKEY. Thank you Mr. Cox, very much.

Mr. Vradenburg.

Mr. VRADENBURG. I would just say briefly, Mr. Chairman, that in fact the creative community that 20th Century Fox is a part of and of which Fox Broadcasting is a customer has been responsible over the years when social concerns have been brought to their attention. And I trust, again with Jack Valenti's leadership, we will be on this issue too.

We do so both out of a concern to try to reduce the levels of violence, but to do so in a way that maintains the creative diversity and excellence of our community.

Mr. MARKEY. Thank you, Mr. Vradenburg.

Mr. Tortorici.

Mr. TORTORICI. I think that what we are witnessing is not an acknowledgment necessarily of a causal relationship between television and violence, but rather a statement that question is rather irrelevant because the fact of violence is what it is in this society, and that as broadcasters and people in television, we have a responsibility to do something positive about it.

Regardless of where it comes from and how it arrives in our society, we as broadcasters want to be part of the solution to making this a more nonviolent society.

Mr. MARKEY. Thank you Mr. Tortorici.

Mr. Littlefield.

Mr. LITTLEFIELD. Yes, we at NBC scrutinize more than we ever have before all acts of violence contained on our airwaves, we pledge that. But I also think that, as a country, if we are serious about reducing the level of violence in the society, then Congress and all others must act to address the issues of gun control, poverty, family disintegration, and mental health care.

Thank you.

Mr. MARKEY. Thank you Mr. Littlefield.

Mr. Murphy.

Mr. MURPHY. Mr. Chairman, I think that we try to be, at ABC, responsible broadcasters and do the best job we can serving the society. And we recognize that we are licensed by the Federal Government. We have responsibilities to do the right thing by those licenses. And we showed you the schedule that was coming up for next year. I think it shows indication of how little violence there is on it.

And I think that it is idea of this entire get-together has been good. It gets our attention. I think that we would—we are anxious to work with you on whatever the technological changes can be worked out to your satisfaction or our satisfaction as well, Mr. Chairman.

Mr. MARKEY. Thank you. And you have—Mr. Valenti, you have the final word.

Mr. VALENTI. I end as I began, Mr. Chairman. I salute you for your leadership respecting violence in our society. And I think that leadership is indispensable and I hope it continues.

Mr. MARKEY. Thank you, Mr. Valenti very much.

Let me just say this in conclusion: My own feeling is that you are all good people, but you are good people who are trapped in a bad system, not unlike the Members of Congress here. Good people, but we are trapped in a terrible campaign finance system as well. We do things that we don't particularly like in terms of our fundraising, and where our revenues are coming from.

You are in the same system, a system that forces you in the pursuit of ratings, as we pursue reelection, to raise money in quantities and from sources that is often criticized. Our choice is to continue on with the system or to try to change it and try to make it better and try to make it so that everyone lives under the same

rules so that no one gets an advantage by not complying with the rules.

It is not that people aren't good. It is not that people don't have integrity, but it is a system that has been handed to them. So it is a situation here where, if there is not a significant reduction in violence this coming fall on the broadcasting schedule, then many people will view these parental advisories as a license to kill, a license to murder on prime time. So the total level of those violent shows must go down. There is no question about it.

But in addition, there has to be some accommodation made to this technology that empowers parents who, quite frankly, are in a tough environment with Ross Perot going around making the obvious point that people are concerned about their future and making a living.

The rule now is that two parents are working and the television is sitting there unmonitored for the bulk of the day. So we have to give some remote control power early in the week to parents using your guidelines to knock it out. And to be honest with you, I think it is going to happen anyway. If you don't agree to it and work on it, I think it will be the PTA or TV Guide or some other entity that will find a way of tagging this through the computer chip, through software.

And I think that we are all better off in trying to recognize this and working to change our system as we are trying to work here now, to change our system so that it deals with the problems that have become incrustated and built into the process over the years and that maybe each of us begins to just take for granted.

So I thank you for your participation here today. But you can, I think, elicit from the concern of the members here today, that the subcommittee's ongoing oversight of this issue will not be curtailed. We will be back. We will be watching what you do. And we want to work with you. I congratulate you on the first step that you have taken, Mr. Valenti, in the lead with the networks.

You, Mr. Hedlund, you are dealing with the independents; the cable industry and their technological approach to the issues. But there is some way to find a level playing field here. We appreciate your cooperation with us to make it possible.

This hearing is adjourned.

[Whereupon, at 12:54 p.m., the subcommittee was adjourned, to reconvene at the call of the Chair.]

VIOLENCE ON TELEVISION

THURSDAY, JULY 29, 1993

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
SUBCOMMITTEE ON TELECOMMUNICATIONS AND FINANCE,
Washington, DC.

The subcommittee met, pursuant to notice, at 9:45 a.m., in room 2322, Rayburn House Office Building, Hon. Edward J. Markey (chairman) presiding.

Mr. MARKEY. Good morning and welcome to the Subcommittee on Telecommunications and Finance.

Today is the fourth in a series of hearings on the subject of television violence and its impact on children. The premise of today's hearing is the Golden Rule—he who owns the gold, rules.

Advertisers spend over \$30 billion on selling goods every year. They certainly believe that television influences behavior. The question is how will public outrage over TV violence influence advertisers?

The underwriters of programming on network, independent, cable, and satellite television, corporate advertisers, bear direct responsibility for and have enormous power to influence what choices Americans have on their televisions. By the time the average child finishes elementary school, he or she has seen 8,000 murders on TV. Recognizing this, many corporate advertisers have instituted internal guidelines and policies that prohibit the expenditure of advertiser dollars on graphically violent programs. But many either have no guidelines or do not follow them.

The subcommittee takes note of the refusal of many of the Nation's largest advertisers to address this subject forthrightly. The top 10 advertisers were invited to testify here today. General Motors, Procter & Gamble, Philip Morris, Kellogg, Sears, Roebuck, AT&T, McDonald Corporation, Johnson & Johnson, Ford Motor Company, and Pepsico. Only one, AT&T, has found the time to appear. Those who did not come are among America's most familiar brand names.

I commend the advertisers that have had the foresight to take such laudable steps, including AT&T which is represented here today. At our hearing this morning, AT&T will share with the public the guidelines by which they select programming and attempt to avoid excessively violent programming.

But, in general, it is plain that America's largest corporations are attempting to wash their hands of any responsibility for the violence on the screen. This is outrageous and will not be tolerated by the American public or by the Congress. No one is in as strong a

position to have an immediate impact on TV violence as the sponsors. They should all have tough guidelines and they should follow them.

They should actively promote advance parental warnings and the accompanying technology for parents to block out programs rated violent.

On June 30th, the networks announced a plan to give parents advanced warning of violent programs. They joined the independent broadcasters, satellite distributors and many cable operators who have established policies to provide advanced warnings for parents. This was an important and necessary first step. It is critical that this advisory system be applied consistently, predictably and fairly by all sectors of the industry so that parents can rely upon it. And we can do more to help parents in monitoring what their children see on television.

The power of advanced warnings about violence is not in telling a parent who is watching the program with their child that there is violent content. That will quickly be found out by the parent. The power of the advisories is in combination with the technology to allow parents who are not there to see the advisory to block the program.

Millions of working parents will not be helped by the advisories if they cannot block those programs when they are out of the house.

Television broadcasters are opposed to the blocking technology because it will work so well, not because it won't work. It will only take a small percentage of parents blocking out violent programming to affect ratings and thus advertisers. If only a small percentage of parents use the technology and block violent programs during the hours that their children are watching television, the support for this program during these hours will dry up. The result will be less violent programming for all children, including those parents who do not have or do not use the technology.

Television advertisers and programmers insist they do not target children to watch violent programs designed for adults. Blocking technology gives them the ability to prove this.

I have called on the industry, including advertisers, to give parents the power to block programs rated as violent in their homes by endorsing a three-part initiative:

Establish an industry-wide advisory rating system for all television programs containing violence that is consistently and fairly applied;

Require that all television sets sold in the United States be equipped with the technology to empower parents to easily and effectively block programs rated "violent"; and

Call on television broadcasters to stop fighting parents and to transmit electronically the "V" advisory of violent shows, thus giving parents a simple way of blocking violent programs if they are not in the room.

Many advertisers have made a commitment to reducing or eliminating the amount of violent programming they support. AT&T is one of those companies. This is enormously important. But much more telling is the virtual silence of the rest of our corporate lead-

ership on a subject as compelling as the impact of TV violence on America's children.

I look forward to the testimony of today's witnesses in helping to frame this issue in a way that is both respectful of the commercial pressures on advertisers, but uncompromising on behalf of the health of America's children.

That completes the opening statement of the Chair. I recognize the gentleman from California, Mr. Moorhead, for an opening statement.

Mr. MOORHEAD. Thank you, Mr. Chairman. I want to commend you for continuing these hearings on an issue that affects all Americans, the level of violence shown on television. This issue is clearly one in which the American people have become extremely interested. We have come to realize that television is an extremely powerful medium.

Most broadcasts and cable television, with all its potential societal benefits and its ability to shape the attitudes and behavior of viewers, particularly younger viewers, are driven by the quest for advertising dollars.

Mr. Chairman, in my opinion, corporate advertisers and the advertising industry have a unique ability to influence our Nation's television programming. Control of the purse strings imposes upon advertisers a share of the responsibility for what is viewed by audiences in the country.

Sadly, some in the advertising industry, like some in the television industry, have not lived up to their obligations to be responsible in the programming that they support. It is my hope that today's hearing will identify a number of ways that corporate advertisers and the advertising industry can, either working alone or in coordination with the television industry, reduce the amount of television violence viewed by the youth of our country.

As a result of your leadership, Mr. Chairman, this issue is getting the thorough attention that it deserves. It is now up to the industry to live up to its responsibility—not as entertainment providers or product marketing specialists, but as citizens of a civilized society.

I am pleased that television executives will be meeting early next week to discuss ways to reduce the amount of gratuitous violence in programming. We will be watching this meeting with great interest.

Mr. Chairman, I look forward to hearing the testimony of today's witnesses and yield back the balance of my time. And Mr. Chairman, one last thing, I would ask the statement of Jack Fields, the Ranking Member of this subcommittee, be entered into the record.

Mr. MARKEY. Without objection, the statement of the Ranking Member of the subcommittee will be entered into the record at the appropriate point. There is another meeting that he has to be at this juncture, and without objection, so ordered.

[The opening statement of Mr. Fields follows:]

OPENING STATEMENT OF HON. JACK FIELDS

Mr. Chairman, this is the fourth in a series of subcommittee oversight hearings focusing on the problem of excessive violence on television. At the first hearing, we heard from representatives of the scientific and medical communities who testified as to the existence of a causal link between television violence and human behavior.

The subcommittee's second hearing explored possibly requiring a rating system for violent programming and mandating a technology to block such programming. The third hearing focused on the four major networks and their voluntary "advance parental advisory plan" which would identify violent television programs.

At a recent subcommittee hearing on television violence, we heard from our distinguished colleague, Joe Kennedy, who has authored legislation that would require the FCC to monitor, collect and evaluate consumer reaction to violence on television. Congressman Kennedy, as part of his testimony, suggested that advertisers are partly responsible for what Americans see on their T.V. sets. As you recall, Mr. Chairman, you and I agreed with his sentiments and you pledged to examine this topic further as part of the subcommittee's continued hearings on T.V. violence. I want to commend you for following through on your commitment this morning.

I must say that while I am glad that this hearing is taking place, I am equally disappointed that the panel assembled today includes only one representative from our Nation's leading corporate advertisers. To those companies who declined an invitation to testify before this subcommittee, I say—"You can run but you can't hide!"

There is absolutely no doubt in my mind that corporations that spend billions of dollars each year to sell their products on television have a role in this debate. A large part of the success of television advertising campaigns depend on whether or not Americans are motivated to action by what they see every day and every night on their television sets. In fact, I can recall many occasions when my daughter Jordan has asked for a new toy or doll, or my son Josh has pleaded for new "Air Jordan" basketball shoes after seeing these products advertised on T.V.

Advertisers exercise a tremendous amount of influence over what Americans view on T.V. Ted Turner recently testified that television programming decisions are largely profit-driven. In my mind, I believe advertisers can and should be able to sell their products and services without supporting violent television programming. I believe, further, that companies that made a conscious decision not to support violent programming would see their images enhanced in the eyes of their customers, employees and shareholders—and would improve their images in the community as well. I would also add, if advertisers refused to financially support violent shows and movies, these programs probably would not be on the air.

Mr. Chairman, the alarming rate of violence on television is a compelling issue which continues to capture significant media attention. Yesterday's Washington Post profiles a study by George Gerber of the University of Pennsylvania's Antienberg School of Communication which reveals that there are more incidents of violence on children's programming (25 to 30 acts per hour) than on prime-time programming (5 to 6 acts per hour). Needless to say, these statistics are startling—particularly because children are the most impressionable and vulnerable members of our society. Undoubtedly, the conclusions drawn by the Gerber study will raise questions about whether or not children's cartoons should be subject to a labeling system.

Next Monday, a conference on television violence will convene in Los Angeles. The meeting will attract broadcasters, cable officials, Hollywood programmers, academicians and members of various advocacy groups. It is my hope that this meeting will produce commitments to reduce the rate of violence on television beyond what has already been proposed by the cable and broadcasting industries.

Finally, I want to welcome the distinguished panel of witnesses here today and assure them that I look forward to hearing their testimony. I am anxious to hear about AT&T's new television advertising policy; I am interested in learning whether or not advertisers have policies for advertising on certain television shows; and I am interested in hearing more about the decision making process which determines whether or not an advertiser supports a particular program.

Thank you, Mr. Chairman, and I yield back the balance of my time.

Mr. MARKEY. And the opening statements of all members will be included in the record at the appropriate point.

I will now turn to our very distinguished panel, and we will welcome them, and then take testimony from them. We will begin with Dr. Robert McAfee, who is the president-elect of the American Medical Association. He is a practicing surgeon in Portland, Maine, has been nominated as president-elect of the American Medical Association, and will be testifying today on behalf of the AMA.

His experience in the health care field, combined with his future status as president of the leading medical industry association,

makes him uniquely qualified to respond to the issue we are addressing today, the impact of violence on children.

We welcome you, Doctor. Whenever you are ready, please begin.

**STATEMENT OF DR. ROBERT E. McAFEE, PRESIDENT-ELECT,
AMERICAN MEDICAL ASSOCIATION, SOUTH PORTLAND, MAINE**

Mr. McAFEE. Thank you, Mr. Chairman.

My name is Bob McAfee. I am a practicing surgeon in Portland, Maine, and as president-elect of the American Medical Society, I am pleased to have this opportunity to testify regarding the very serious and very insidious problem of television violence in this country.

And I congratulate you and commend you, Mr. Chairman, for your continuing diligence in holding this series of hearings.

It is no secret that we live in a terribly violent society, perhaps the most violent society on the face of this earth. Undeniably, violence in the United States has reached epidemic proportions. There are more years of life lost to violence in the United States now than the years of life lost to cancer, heart disease, and stroke combined. In addressing this, we cannot overlook that violence is indeed a major medical and public health issue. Particularly alarming is the prevalent depiction of violence on television, especially in terms of its role-modeling capacity to potentially promote real-world violence. The AMA decries such depictions of violence. In fact, in a policy statement adopted in 1976, the AMA declared that TV violence threatens the health of young Americans; and we committed ourselves to remedial actions with interested parties and encouraged opposition to TV programs containing violence and to their sponsors.

In 1982, we expressed vigorous opposition to television violence, stating our support for efforts designed to increase the awareness of physicians and patients that television violence is a risk factor threatening the health of young people.

A number of interrelated factors exist that contribute to the enormity of the TV violence problem in this country. First and foremost is the fact that so many families, of practically all ages and socioeconomic levels, own one or more TV sets. Violence depicted on TV reaches a huge number of individuals, and its effect on society is magnified. In fact, not only is the TV medium so pervasive I am reminded of the words of Ernie Kovacs when he referred to TV as a "medium", because it was neither "rare" nor "well done."

The problem of TV violence is further augmented by the fact that TV programming is broadcast at all times of the day and night. In addition, the TV violence problem is exacerbated by the fact that the violence cuts across so many lines of programming, ranging from the network news to real, live crime action such as Cops or Rescue 911, from sports such as boxing and wrestling to dramatized or fictionalized made-for-TV movies on any number of subjects involving crime, murder, rape and violence in general.

Segments of the viewing population, including children, emotionally unstable individuals and spouse or child abusers may be particularly affected by TV violence. Perhaps most troubling are the potentially deleterious effects on children. The typical American child watches 27 hours of television each week, and some inner-city

children are exposed to as much as 11 hours per day. Children growing up in this country, Mr. Chairman, are exposed to violence without pain, without retribution, and even violence with humor on such a daily and regular basis that it is no wonder that the end result of that exposure are the numbers that are before us today.

It is well established that children learn behavior—learn behaviors by example without always possessing the intellect or maturity to determine if such actions are appropriate. TV violence must be curbed in order to halt the violent behavior that many children learn through watching television.

As physicians, we are concerned that the mere expenditure of 27 hours each week by the typical American child is problematic. Clearly, this time would be better spent out playing, riding a bike, exercising, playing ball, thus reducing conditions such as childhood obesity. In addition, children should be spending the time studying, reading books, or engaged in constructive activities to promote intellectual development.

We would like to make note of the agreement reached last month between ABC, CBS, NBC, and Fox television networks to adopt an Advance Parental Advisory plan to identify violent network entertainment programming. We view this agreement as a start toward helping parents make informed viewing decisions for their children, but merely a start. Far more must be done, and done soon, to curb TV violence.

Measures which should be considered include, one, requiring newly manufactured television sets, to the extent technologically feasible, to be equipped with a microchip to give parents the ability to block out violent programs; and, two, calling upon the FCC to initiate hearings on media violence, considering within the scope of such hearings such topics as the establishment of a violence rating system for television and cable television programming, the establishment of guidelines for broadcasters during prime time and children's viewing hours, the potential to tie broadcasters' compliance with violence guidelines to license renewal or revocation, and the potential levying of monetary fines against cable TV broadcasters for failure to comply with violence guidelines.

We urge all advertisers to act in a responsible manner, calling upon them to restrain from expending advertising moneys for violent television programs and thereby encouraging reduction in the amount of violence on television. If all advertisers would abide by such a practice, none would be placed at a competitive disadvantage.

At this point, I do want to pay tribute to the many corporate organizations who assisted in sponsorship of our family violence initiative at the AMA. I particularly pay tribute to those in the women's fashion industry, to those in the women's cosmetic industry, and to some of our pharmaceutical houses who, by virtue of their corporate commitment to the health of women in our society, have played a significant role in helping us with our educational public and professional programs.

In conclusion, Mr. Chairman, the AMA membership has strong feelings with the subject of TV violence. We have most recently submitted a statement for the hearing record of the June 8 joint hearing of the Constitution and Juvenile Justice Subcommittees of

the Senate Judiciary Committee regarding TV and motion picture violence in America. We have worked with Senator Kent Conrad, joining his task force on TV violence and circulating petitions for signature in the physician community to urge action regarding violence on television and motion pictures.

Dramatically reducing TV and cable TV violence will require concerted efforts on the part of parents, educators, child advocacy groups, law enforcement officials, the clergy, the medical profession, citizen's groups, government, and the TV and cable TV industries. The time for action is indeed now. Considering the damage to our society that TV violence is capable of causing, there truly is not a moment to spare.

If I may be permitted to say one final anecdote, an editorial in U.S. News and World Report by Mr. Zuckerman makes reference to anecdotal evidence turned up by CBS News that in the late 1940's, prior to the onset of commercial television in this country, the seven top problems in public schools were identified by teachers as talking out of turn, chewing gum, making noise, running in the halls, cutting in line, dress code infractions and littering.

Slightly more than a generation after the onset of commercial television in this country—and I do not mean to single out them as the sole reason—but the seven top problems identified as of 1980 were suicide, assault, robbery, rape, drug abuse, alcohol abuse and pregnancy. I share that only because we, as physicians, see the consequences of this on a daily basis. And frankly we are frightened and we need to do something.

Thank you for the opportunity to appear before you today.

Mr. MARKEY. Thank you, Doctor, very much.

[The prepared statement of Dr. McAfee follows:]

STATEMENT OF ROBERT E. MCAFEE, PRESIDENT-ELECT OF THE AMERICAN MEDICAL ASSOCIATION

Mr. Chairman and members of the subcommittee: My name is Robert E. McAfee, MD. I am a practicing general surgeon in Portland, Maine and president-elect of the American Medical Association. Accompanying me today is Jeffery M. Stokols, legislative counsel in the AMA's Division of Federal Legislation. On behalf of the AMA, I am pleased to have this opportunity to testify regarding the very serious and insidious problem of TV violence in this country today.

It is no secret that we live in a terribly violent society. Undeniably, violence in the United States has reached epidemic proportions. In addressing it, we cannot overlook that violence is a major medical and public health issue. In addition to having a severe, broad-reaching negative impact on the health of Americans, violence results in a huge number of encounters with the health care system. Care for the victims of violence strains the health care system and adds significantly to the U.S. health care bill. In this regard, it has been reported that over 500,000 emergency department visits annually are due to violent injury and that two-thirds of crime victims treated in hospitals are uninsured. It has been estimated that the direct medical costs of all violent injuries add more than \$5.3 billion to U.S. health expenditures.

Violence in general is clearly an enormous and at least partially avoidable public health problem in this country today; particularly alarming is the prevalent depiction of violent behavior on television, especially in terms of its "role-modeling" capacity to potentially promote "real-world" violence. The AMA decries such depictions of violence. In a policy statement adopted as long ago as 1976, the AMA "declares that TV violence threatens the health and welfare of young Americans, commits itself to remedial actions with interested parties, and encourages opposition to TV programs containing violence and to their sponsors." Reaffirming this policy was a 1982 statement expressing "vigorous opposition to television violence" and clearly stating our "support for efforts designed to increase the awareness of physicians and

patients that television violence is a risk factor threatening the health of young people."

Without a doubt, the majority of the American public is concerned about and disturbed by the phenomenon of TV violence. A Times Mirror nationwide poll of 1,516 adult Americans conducted in February of 1993 indicated that more than 72 percent of those surveyed felt that entertainment TV is too violent, and 80 percent believed it to be harmful to the Nation.

Epidemiology professor Brandon S. Centerwall, MD, MPH, stated in his article "Television and Violence: The Scale of the Problem and Where to Go from Here," which appeared in the June 10, 1992 issue of the Journal of the American Medical Association, that "children's exposure to television and television violence should become part of the public health agenda, along with car safety seats, bicycle helmets, immunizations, and good nutrition." In his testimony before this subcommittee on May 12 of this year, Dr. Centerwall maintained that "if, hypothetically, television technology had never been developed, there would today be 10,000 fewer homicide deaths each year." The mere implication of a relationship between TV violence and homicide, much less 10,000 homicides each year, cries out that we have an enormous problem!

A number of interrelated factors exist which contribute to the enormity of the TV violence problem in this country today. First and foremost is the fact that so many individuals and families, of practically all ages and socioeconomic levels, own one or more TV sets. There are millions and millions of TV sets in this Nation; this is perfectly understandable, since TV is a convenient and relatively inexpensive form of entertainment. Thus, there is tremendous access to TV; it has inundated our culture, drawing viewers of all age ranges, backgrounds and socioeconomic levels. Since TV and the violence it depicts reaches so many individuals, its effect upon society is, correspondingly, greatly magnified.

Next, not only is the TV medium so prevalent, in terms of access by huge numbers of individuals, the problem of TV violence and its societal effects is further augmented by the fact that, particularly in large metropolitan areas and on cable, TV programming is broadcast at all times of the day and night (on a 24 hour basis). This further increases viewers' access to TV violence.

In addition, the TV violence problem is exacerbated by the fact that the violence cuts across so many different lines of programming. A great variety of different types of programming contain violence, ranging from the reporting on the network news to "real-life" crime action shows such as "Cops" or "Rescue 911", from sports such as boxing and wrestling to dramatized or fictionalized made-for-TV movies on any number of subjects involving crime, murder, rape and violence in general.

TV violence may have particularly harmful or negative effects upon certain segments of the viewing population, including children, emotionally unstable individuals with volatile personalities, and spouse or child abusers (that is, upon those too young to understand or otherwise unable or ill-equipped to comprehend that violence should not be employed as a means to solve problems and to "right" perceived wrongs).

Perhaps most troubling are the potentially deleterious effects which TV violence may have upon children. It has been estimated that the typical American child is exposed to an average of 27 hours of television each week, and that some inner city children are exposed to as much as 11 hours per day. It has further been estimated that the typical American child will watch 8,000 murders and 100,000 acts of violence on television before finishing elementary school and that, by the age of 18, that same child will have witnessed 200,000 acts of violence on TV, including 40,000 murders.

It is well-established that children learn behaviors by example. They have an instinctive desire to imitate actions which they observe, without always possessing the intellect or maturity to determine if such actions are appropriate. This principle certainly applies to TV violence. We must take measures to curb TV violence if we are to have any chance of halting the violent behavior that many of our children learn through watching television. If we fail to do so, and instead continue to expose our children to ever-increasing amounts of violence on television, it is a virtual certainty that the situation will continue to get worse. We can ill afford a worsening of the current situation. According to the Federal Bureau of Investigation, we are already currently in the midst of an unrivaled period of juvenile violent crime among youth from all races, social classes and lifestyles.

As Senator Kent Conrad of North Dakota has aptly expressed, with regard to violent crime: "These aren't just poor kids in inner cities. These are kids who live in the country, in the suburbs, rich kids, city kids, farm kids. The increase in violent crimes committed by children, and against children, affects families of every race and every income level. The problem is growing for all of us."

As physicians, we are also concerned that, notwithstanding TV program content and its potential to promote violent juvenile behavior, the mere expenditure of 27 hours each week watching television by the typical American child is problematic. Sitting in one spot and watching television for 27 hours a week takes that many hours away from time that the child could be outside playing, riding a bicycle, exercising. Thus, it could have negative consequences upon the child's physical development and contribute to such conditions as childhood obesity. In addition, those same 27 hours are detracting from the time that the child could be spending studying, reading books, or engaged in other constructive activities to promote his or her intellectual development.

At this point, we would like to take note of the agreement reached at the end of last month (June 30) between the ABC, CBS, NBC, and Fox television networks to adopt an "Advance Parental Advisory" plan to identify violent network entertainment programming. The "Advance Parental Advisory" reads: "Due to some violent content, parental discretion advised." While each network retains authority under the agreement to decide on the appropriate use of the "Advance Parental Advisory", according to agreement on broad standards for its application by the four networks, it is to be used "when, in the judgement of the network, the overall level of violence in a program, the graphic nature of the violent content, or the tone, message or mood of the program make it appropriate." In addition, according to the agreement, "in considering the use of an advisory, the network will evaluate such factors as the context of the violent depiction, the composition of the intended audience and the time period of broadcast. Advisories would be used selectively to highlight and single out for parents specific programs where the violent content is unexpected, graphic or pervasive."

We view the ABC-CBS-NBC-Fox agreement as a start toward helping parents become involved in making more informed viewing decisions for their children, but merely a start. We feel that far more must be done, and done soon, to curb TV violence. As regards the June 30 agreement, first of all, the networks themselves are going to be doing the monitoring, deciding what is and is not going to be deemed violent. This may or may not prove to yield an appropriate measuring-stick as far as the identification of violent programming is concerned. However, even if for purposes of argument it is agreed that the networks will be honest, reasonable and forthcoming in their use of the "Advance Parental Advisory", it still offers a quite incomplete and ineffective solution to the problem. This is because, while in an ideal world, parents and children would sit together and watch TV, with the parent exerting mature and appropriate influence in guiding the child's viewing behaviors, we all know that we do not live in such an ideal world. Often, due to the prevalence of TV sets in this country, the parent will be watching TV in one room while the children will be watching TV in other rooms. Furthermore, it is a plain and simple fact of life that parents can't always be physically present to supervise their children. When unsupervised, children will frequently do the exact opposite of what their parents would want them to do. In this respect, the "Advance Parental Advisory" might be "counter-productive" and have just the opposite effect of what it is supposedly intended to do—that is, upon seeing the "Advance Parental Advisory" appear on the TV screen, the child may be even more likely to sit down and view the programming.

Another major problem with the June 30 agreement is that it merely calls for identification of violent TV programming. It does not go to the heart of the problem and mandate or bring about a reduction in the amount of TV violence. Furthermore, the June 30 agreement is, of course, limited to the four networks entering into it; cable television networks, which also present much violent programming, are not at all affected, nor are local stations showing nationally produced syndicated series. Also, the June 30 agreement might not even reach some types of violent programming, such as cartoons, on the four networks entering into it.

As regards curbing TV violence, there can be no doubt that something must be done, and it must be done now. Measures which should be considered include: 1) requiring newly manufactured television sets, to the extent technologically feasible, to be equipped with a microchip that would give parents the ability to block out violent programs; and 2) calling upon the Federal Communications Commission to initiate hearings on media violence, considering within the scope of such hearings such topics as the establishment of a violence rating system for television and cable television programming, the establishment of guidelines for broadcasters to follow in programming during prime time and children's viewing hours, the potential to tie broadcasters' compliance with violence guidelines to license renewal or revocation, and the potential levying of monetary fines against cable TV broadcasters who fail to comply with violence guidelines. Further, we strongly urge all TV advertisers to act in a responsible manner, calling upon them to refrain from expending advertis-

ing moneys for violent television programs and thereby encouraging reduction in the amount of violence on television. If all advertisers would abide by such a practice, none would be placed at a competitive disadvantage.

In conclusion, the AMA membership has extremely strong feelings about the subject of TV violence and has long spoken out against such violence. Most recently, we have submitted a statement for the hearing record of the June 8, 1993 joint hearing of the Constitution and Juvenile Justice Subcommittees of the U.S. Senate Judiciary Committee regarding TV and motion picture violence in America. In addition, we have worked with Senator Kent Conrad, joining his National Task Force on TV Violence and circulating petitions for signature in the physician community to urge action regarding violence on television and in motion pictures. We expect these petitions to be presented by Senator Conrad to TV and cable TV network executives, the Motion Picture Association of America, the National Association of Broadcasters, and the Federal Communications Commission in Los Angeles just a few days from now.

The AMA believes that dramatically reducing TV and cable TV violence will require concerted efforts on the part of parents, educators, child advocacy groups, law enforcement officials, the clergy, the medical profession, citizens groups, government, and the TV and cable TV industries. The time for action is now; considering the damage to our society that TV violence is capable of causing, there truly is not a moment to spare.

Mr. MARKEY. Our next witness, Richard Martin, here today, is representing AT&T as vice president of public relations and advertising. He is responsible for establishing advertising policies for a corporate leader in the field of advertising.

We welcome you, sir. When you are comfortable, please begin.

STATEMENT OF RICHARD MARTIN, VICE PRESIDENT, PUBLIC RELATIONS AND ADVERTISING, AMERICAN TELEPHONE AND TELEGRAPH COMPANY, BASKING RIDGE, NEW JERSEY

Mr. MARTIN. Thank you, Mr. Chairman and members of the subcommittee. My name is Richard Martin and I am vice president of public relations and advertising for AT&T. I appreciate the opportunity to appear before you today to discuss AT&T's policy regarding advertising on television programs that may contain questionable material.

As a father, I am concerned about the violence to which our children are exposed every day. As a businessman, I am concerned about how continuous exposure to TV violence will affect the social development of tomorrow's work force. And as a representative of AT&T, I am concerned about the adverse effect of associating AT&T with TV programs that contain gratuitous violence.

AT&T's association with quality television programming goes back as far as television itself, what started as the Telephone Hour on radio in 1940 moved to television as the Bell Telephone Hour in the 1950s. And today we are still particularly careful about the TV programming with which we associate ourselves.

The name AT&T is associated with quality products and services, with solid values and traditions, with helping to bring people together. Over the course of many years, we have worked hard to win people's trust. Independent research shows that our brand name today is among the most respected in corporate America. And that makes it a valuable corporate asset.

It is my responsibility and indeed the responsibility of every AT&T employee, to make sure that every decision we make reflects positively on our brand name and that we do nothing to violate people's trust.

When it comes to advertising, we can devalue our brand name by associating it with programs that would offend viewers or we can add value by associating our name—by sponsoring programs that educate, entertain and stimulate discussion.

AT&T participates in two major kinds of television advertising. The first consists of AT&T-commissioned productions in a series called AT&T Presents. This series has included *Inherit the Wind*, a remake of the original movie about the Scopes Trial; *Day One*, which dealt with the political and ethical issues surrounding the development of the atomic bomb; and *The Incident*, in which an unsophisticated lawyer was pitted against the criminal justice system. Each one of these productions won an Emmy award for best made-for-television movie.

We also advertise on television programs produced by others, including news programs, sports coverage, prime time family-oriented comedies and dramas. For both kinds of programming, our selections are based in part on an analysis of the program's audience demographics and ratings in order to ensure that our messages reach our target audiences.

But because our goal is to inform people about our products and services beyond our responsibility as a corporate citizen and perhaps simply on a commercial level, advertising on a program that is likely to offend potential customers just isn't good business. Therefore, our selections are also based on an evaluation of program content.

Everyone who was involved in buying advertising time for AT&T follows guidelines that we have set forth in a strict set of corporate advertising policies. For example, these guidelines state that we will avoid placing AT&T commercials on any television program that contains vulgar language, acts of excessive violence, sexual conduct judged too explicit for total family viewing or inflammatory or demeaning portrayals of any group's religion, political affiliation, ethnicity or gender.

AT&T's advertising agencies retain a professional screening service to prescreen every episode of every network television program on which AT&T's advertising is scheduled to appear. This company ensures that the correct AT&T commercial appear on the program, that it is of good broadcast quality and that the program's content is consistent with AT&T's standards. If, in screening, there is any question of the suitability of the content, AT&T is alerted. We then view the segment ourselves and make the decision about whether to advertise or not. Our rule of thumb is that if we think any action in an episode falls into a gray area of acceptability, we err on the side of caution and withdraw our advertising.

Now, there are bound to be differences of opinion among the vast number of television viewers about what constitutes excessive violence, and those who disagree with our interpretation let us been know about those instances. But because of our careful adherence to these strict guidelines, such cases are rare.

We believe that our corporate guidelines are working. They guide us in doing what is right for our company and we intend to continue to associate AT&T's advertising with high quality television programming.

Thank you, Mr. Chairman.

Mr. MARKEY. Thank you Mr. Martin.

Mr. MARKEY. Our next witness, Betsy Frank, is senior vice president and director of TV information and news media at Saatchi & Saatchi Advertising in New York. She is responsible for the ongoing monitoring and analysis of the total television environment, specifically network syndication and cable audiences, as well as developments in audience measurement.

We welcome you. Whenever you are comfortable, please proceed.

STATEMENT OF BETSY FRANK, SENIOR VICE PRESIDENT AND DIRECTOR, TV INFORMATION AND NEW MEDIA

Ms. FRANK. Thank you. Good morning Mr. Chairman and members of the subcommittee. I am Betsy Frank, senior vice president at Saatchi & Saatchi Advertising in New York.

I am not prepared to comment on the relationship between television violence and violence in our society. I certainly leave that to the experts. Instead, I am here to offer a perspective as to how much influence advertisers really have in the process of selecting and broadcasting television programs.

Our advertisers determine the suitability of programs as vehicles for their commercials and the possible impact of advertising on advisories and blocking technology.

To summarize my written testimony, first, network television is totally dependent on advertising; it is its sole revenue stream. But the growth of cable has resulted in a diversion of both viewers and advertising dollars from the networks to the alternatives. In other words, the competition for both viewers and advertising dollars has never been more intense.

Second, because most advertisers buy television time as a package encompassing a broad spectrum of programs, advertisers today have virtually no impact on which series the networks decide to put on the air.

Third, most advertisers, like Mr. Martin, do believe that the program environment in which a commercial appears is critical to the consumer's receptivity to that message. Therefore, we prescreen in-house every episode of every series in which our clients have a commercial scheduled to make sure that the program is consistent with each client's formal guidelines and informal sensitivities. If there is a question, we consult with the client and decide together whether to stay in the program or to pull out.

Fourth, idealistically, parental advisories and blocking devices could represent an early warning system for parents comparable to our ability to prescreen for our clients. Realistically, however, activist groups will view advisories to spotlight advertisers who air in these programs regardless of the fact that the programs have perhaps already met the advertiser's guidelines. Without a doubt, this will meaning more arbitrary pullouts.

Fifth, I believe there is less violent programming on network television today than in the past. Virtually all of the top-rated programs are either news magazines or situation comedies, but the competition has more than made up the difference. Without the compliance of cable and syndication, any action is empty and ineffective.

Finally, we want the broadcast networks to remain healthy. Viewers obviously like network programs. They still spend anywhere from two-thirds to three-fourths of their time every evening with network television programs. Our clients need the mass exposure that only network TV will provide.

We do not consider ourselves censors, although we will vigorously defend our right to pull advertising where we feel the program is inappropriate. We don't need anyone else to do that job for us.

Thank you.

Mr. MARKEY. Thank you.

[The prepared statement of Ms. Frank follows:]

STATEMENT OF BETSY FRANK, SENIOR VICE PRESIDENT AND DIRECTOR, TV
INFORMATION AND NEW MEDIA, SAATCHI & SAATCHI ADVERTISING

What is the role of advertising in network television programming?

Currently, network television has only one revenue stream, and that is advertising. Saatchi & Saatchi Advertising estimates that in 1993, advertisers will spend over \$11 billion on ABC, CBS, NBC, and Fox, 35 percent of the \$32 billion spent in all television. While network revenues have almost doubled in the last decade, the networks' share of television advertising has declined from 41 percent as a result of competition from syndicated and cable television. Not surprisingly, over the last decade, the networks have lost viewers to the competition, and advertisers have shown increasingly greater willingness to divert dollars from the older to the newer options.

In other words, the competitive television landscape for both viewers and dollars has never been more intense.

Given this dependence, how influential are advertisers in the network program selection and scheduling process?

For the last 30 years, the answer would have been "Not very." Back in the early days of television, advertisers were directly involved in the production of television programs, and most major agencies, including our own, had large and sophisticated television production divisions. However, after the quiz show scandals revealed that some advertisers were having too much control over program content, the responsibility for program production fell primarily to the networks, while advertisers used these programs as commercial vehicles. For a while, sponsorships were popular, offering an advertiser continuing association with a specific program. But as costs increased, it became more logical and efficient to buy time over a spectrum of programs, rather than concentrating exposure within a small group of programs.

While some advertisers continue to use sponsorships (e.g., Hallmark "Hall of Fame"), most now buy packages of programs which are priced based on their ability to reach specific target audiences.

As a result of this shift in approach, then, the networks determine which programs to air without much advertiser input. However, when scheduling movies or episodes dealing with polarizing subjects such as abortion and homosexuality, decisions may be altered based on presumed advertiser resistance.

Do advertisers care about program content?

Most advertisers believe that the program environment in which an advertising message appears is critical to the consumer's receptivity to the message. It is important to remember that when our clients use network television, they use it because it is carrying their commercial messages to viewers. Advertising is a business decision, and no company makes a business decision that runs the risk of offending a current or potential customer.

To prevent that, our clients supply us with guidelines relating to the environment in which their messages appear. These guidelines did not come into being with the rise of pressure groups. We have had formal client guidelines going back 35 years, and they are updated as necessary.

We employ a group of people who do nothing but prescreen every episode of every series in which we have a commercial scheduled, to make sure these programs are in "good taste." These screeners are intimately familiar with each client's formal guidelines and informal sensitivities. When we identify a potential problem, the client is contacted. Based on our recommendation (and often after screening the episode themselves), the clients decide whether to stay or pull out. This way we don't "black-list" any program. Each situation is handled on a client-by-client basis. After all, a program may be a problem for Client A but not Client B; or it may be a prob-

lem for both, but Client A, an automotive, may opt to stay in it, while Client B, a fast food chain, may pull out.

This system has always seemed to work well for our clients, since it is far less arbitrary than simply eliminating certain series from consideration.

What has changed lately?

First of all, the competitive environment for the networks has changed dramatically. Cable now gets about one-quarter of all the primetime viewing, and although that viewing is divided among many individual cable networks, ABC, CBS and NBC have been losing audience to cable for over a decade. In addition, about 75 percent of all homes have VCR's, allowing those owners to watch pre-recorded tapes of their choosing whenever they wish. Thus, the networks have been forced to compete with far more explicit and intense programming than in the past, and as a result have made some bad decisions to go head-to-head with these alternatives, cases in point: movies "pulled from the headlines" such as the Amy Fisher trilogy, or "Ambush in Waco." These decisions, often acknowledged to be bad ones after-the-fact, have made some advertisers more gun-shy, and more willing to pull out of programs.

In addition, in recent years various pressure groups have set out to clean up television by monitoring programs and publicizing those advertisers who appear in programming these arbiters consider inappropriate. While all available research we have seen suggests that boycotts waged by pressure groups are not effective, these groups can be very disruptive to the day-to-day operations of a business.

One other variable worth mentioning is the weak U.S. economy in general, and the reduced demand for advertising time in particular. This has made advertisers less reluctant to pull out of potentially questionable programs, since there is always someplace else to spend the money.

How will the new "violence advisories" affect the process?

If our ability to prescreen programs represents an "early warning system" for our clients, in theory the networks' advisories will offer the same early warning to parents. In an ideal world, then, advisories are unrelated to advertising decisions. If we and our clients consider a program to be appropriate after prescreening, an advisory should not change that decision.

Realistically, however, if activist groups log the names of advertisers who appear in programs with advisories, and position that list as "those who sponsor (i.e., support) violence", then the networks will surely see even more advertisers choose to pull out of these programs than if they did not carry advisories.

Furthermore, the idea behind advisories is that parents will be aware of them and be able to keep their children from viewing inappropriate programs. In reality, however, parents who are most likely to heed advisories are probably already monitoring and controlling their children's viewing. For those parents who cannot or will not take an active interest, neither advisories nor blocking mechanisms will make any difference.

Finally, it must be remembered that network television is far from a hotbed of violence. If someone wishes to watch violent programming (or sexually explicit programming, for that matter), he or she is far more likely to find it on cable, pay-TV, a videocassette, or in syndicated action series. Without advisories for mandating the other television venues, network advisories are not meaningful.

Is violence increasing on network television?

During the 1983-84 season, the most-viewed network programs included such action series as "The A Team", "Simon & Simon", "Magnum, P.I.", and "Cagney & Lacey." This past season, virtually all of the top-rated shows are situation comedies, and action has all but disappeared from network television. Clearly, there has been no shift towards more violence in recent seasons, and, if anything, the trend been just the opposite.

So where do advertisers and agencies net out on this issue?

First, we don't believe in pressure groups trying to clean up television. We believe in viewers making their own decisions. Second, we want the networks to remain healthy. We certainly don't want them to broadcast programming so homogenized and bland that nobody is offended by it—but that's because no one is watching it, either. And third, we don't consider ourselves censors. As long as the networks believe they must push the envelope to attract viewers, we believe our clients have the right to let the networks know when they've pushed too far. But that does not equate to a need for censorship, either by advertisers or by outside groups.

Mr. MARKEY. And our final witness, William Abbott, the president of the National Foundation to Improve Television, an organization which includes an impressive list of members which was founded in 1969 for the purpose of reducing the amount of violence

depicted on television. He comes to us with 25 years of experience in the organization of grassroots campaigns focusing on the deterrence and reduction of violent content in TV programming.

We welcome you.

STATEMENT OF WILLIAM S. ABBOTT, PRESIDENT, NATIONAL FOUNDATION TO IMPROVE TELEVISION

Mr. ABBOTT. Thank you, Mr. Chairman. I appreciate the opportunity to testify today on this vitally important issue.

Since 1969, our foundation has participated in numerous initiatives designed to address this question, including research, public awareness, cooperative efforts with the television industry, legal actions, petitions to the FCC, and most recently, efforts to enlist the voluntary cooperation of advertisers in the campaign to rid our television and our streets of senseless violence.

Recent history suggests that advertisers, if they become educated and mobilized around the TV violence issue, can exert a tremendously positive influence on the future of American television. Advertisers played a role in the temporary reduction of TV violence during the 1970's, and they contributed more recently to campaigns to reduce glamorized TV images of alcohol abuse, illegal drug abuse and other destructive behaviors. We are therefore pleased that this subcommittee has invited advertising representatives here today.

The importance of advertising is obvious. The words of one advertiser are as true today as they were when spoken in the 1970's: In the last analysis, it is the hand that signs the check that cradles the gun.

This effort in which we engage today, which focuses on the role that advertisers play with regard to television violence, is not new. Far from it. In my written statement I summarize the actions taken in the mid-1970's with advertisers, which fully reduced television violence. Organizations interested in reducing violence on television were quick to identify advertisers as the soft underbelly of the TV industry. Due to this pressure, several advertisers announced that they would stay off of violent programming and they received substantial support from the public.

In 1973, Miracle White announced that it would, as a matter of policy, avoid advertising on violent programming. It received over 100,000 letters of support from the public. And in the mid-1970's, advertising agencies published research which indicated that commercials may be more effective in programs which reflect positive social interaction rather than those which highlight violence and fear. And in response to that pressure and their own marketing research, advertisers then reduced support for violent programming.

Moreover, they hired specialty screening companies to ensure their ads did not appear in violent programs. They referred potential programs to the Advertising agency who would authorize or cancel the buy or check, with its client for further instructions.

All of this procedure sounds comprehensive and good, but it has not led to a significant decrease in advertiser support for violent programs.

It is nonsense to say that advertisers cannot know which programs their advertisements appear on. It is completely within their power to ascertain and review those programs where their adver-

tisements appear and ensure that they are not excessively violent. For advertisers not to do this is nothing short of reckless abandonment of their corporate and social responsibilities. Those advertisers that do claim ignorance of the violent content of programs are guilty of complicity along with the other purveyors of media violence.

And we are suggesting nothing revolutionary here. Since the beginning of commercial television, advertisers have exercised close supervision on the placement of their commercials. They understand that their commercials will be more effective in certain kinds of programming than they will be in others. For example, airlines will be certain not to place ads on programs or movies which feature an airplane crash.

Our foundation has over the past years communicated with more than 100 of the major advertisers. And the results are consistent and not surprising with the fact that these companies spend hundreds of millions of dollars every year to sell their products on television. And I think it is clear to say that today most major advertisers or their agencies preview every prime time program in which they purchase commercial time. And for daytime and weekend programs, advertisers usually screen several episodes before purchasing time on a program. And every 3 or 4 weeks, they assure again that the program continues to meet its standards.

Major advertisers frequently withdraw support from dozens of programs for reasons of taste in any given year. The Wall Street Journal reported that ABC lost \$2 million in ad revenue from its May showing of *Murder in the Heartland* because sponsors were unwilling to be associated with such a violent program.

I want to comment on Mr. Martin's testimony. We heard the guidelines which he proposed, but I want to get serious about this, and, in fact, AT&T advertised on *Murder in the Heartland* and had several spots. They advertised on *Total Recall*, and *Another 48 Hours* and other graphically violent movies that have appeared in Boston on network television and on independent stations. They have been a frequent supporter of two of broadcast television's most violent series, *The Untouchables* and *Time Trax*.

So we hear statements about guidelines, but obviously there are things slipping through. These kinds of programs would not slip through the guidelines if we are going to be serious about it.

The record indicates that television will quickly respond to changing advertiser concerns and objectives. Just as it complied when advertisers shifted their focus to younger and more urban audiences, television would comply if advertisers indicated they wanted less violent and more programs which highlight positive social interaction.

So let the advertisers hear our message today. The American people need their help in reducing violence on TV. Our children need their help. Advertisers have the power to turn off a great deal of the violence with just a few phone calls. It is time for them to pick up the phone.

Now turning to the ratings system and the computer chip proposal suggested. Mr. Chairman, I would like to applaud you for your vision and persistence in pursuing this strategy. We strongly support this initiative. The introduction of such an industry-initi-

ated rating system and the accompanying computer chip technology would allow millions of concerned but not omnipresent parents to exercise their responsibility in their supervision of their children's viewing.

Moreover, such a ratings system would result in advertisers pulling their advertising from violence-sodden programs. No longer would it be a matter of public taste that would guide their decisions. If advertisers believed that millions of people were tuning out entirely from violent programs—and recent surveys suggest that millions would do just that—then few advertisers would refuse to spend their money for programs that millions would not be able to receive. While this may be less effective in dealing with pay-per-view and pay cable, which would then become, I fear, the new ghetto for television murders, it would still be an important step forward.

But we must be certain that the technology is used to address the proven public health threat of television violence and not to enforce subjective and changing standards of morality and decency.

I will now briefly highlight a number of initiatives which our foundation is taking with advertisers to elicit their cooperation to reduce the harm from television violence. First, due to their enormous influence over the content of TV programs, advertisers must be a major target for educational and informational outreaches on the effects of television violence which have been conclusively documented in over 3,000 studies.

Second, the Advertising Council should be encouraged to finance, create and implement a national public service campaign on the issue of youth violence prevention and address all causes of violence, including the role played by media violence.

Third, to encourage the advertising community to join the nationwide effort, we would form a Council of Excellence comprised of advertisers that have demonstrated leadership in addressing the problem of TV violence. We have developed a five-point program for individual advertisers. They should be encouraged to pursue the following measures:

First, they should sponsor informal workshops for their media departments, advertising and screening agencies with child development experts to explore the area of TV violence;

Second, advertisers should be encouraged to support TV programs which deal with violence in an educational constructive manner;

Third, they should support media literacy programs which are designed to provide children with an understanding of the damaging effects of viewing TV violence and understanding the ways that portrayals of violence are often distorted;

Fourth, they should help in the creation and financing of public service announcements designed to educate parents and children about TV violence and the consequences of violent behavior; and

Finally, they should support antiviolence youth initiatives to show nonviolent conflict resolution.

In summary, we do not want advertisers to become program censors. We simply want them to exercise corporate responsibility.

In conclusion, Mr. Chairman, we have a much better chance of winning the cooperation of advertisers today than we did in the

1970's because today the research on TV violence is over. The results are in. The scientific evidence is overwhelming. But we must get this information to the top levels of advertisers and cooperate management.

As you realize, Mr. Chairman, the advertisers are key to the effort to combat TV violence. Without their help, our efforts will be piecemeal, short term, much like trying to kill the legendary multiheaded Hydra. With their help, TV violence will sooner, rather than later, fade from our screens and then there will be room for the TV programming that challenges our hearts and minds.

Thank you.

Mr. MARKEY. Thank you Mr. Abbott. And we thank each of the witnesses very much.

Mr. MARKEY. I think, Mr. Martin, just so we can resolve it, what Mr. Abbott contends—that AT&T was advertising on Murder in the Heartland—and his point is that there had to be a failure in your guidelines in order for that to occur, and you are amongst the best of the corporate advertisers in the country. Could you address that issue and tell us what happened in that instance?

Mr. MARTIN. Yes, I don't think there was a failure in the guidelines. I think there was a failure in the application of the guidelines. And in reviewing it, I think if the process had worked perfectly—and these processes don't always work perfectly—we would have come to a different decision.

Mr. MARKEY. So what would you do differently and what would you recommend to other advertisers that they do differently to avoid that problem—that is, in your evaluation and in your communication with your advertising firm?

Mr. MARTIN. It comes down to communication with our staffs and reviewing the guidelines, discussing them more thoroughly and regularly so that there is a more consistent understanding of the guidelines throughout the organization. And we are in the process of doing that.

I think, on balance, AT&T has demonstrated a high degree of responsibility in the programs that we sponsor. And I won't argue with one or two citations of programs that somebody might think don't fall within our own guidelines. And in some areas, these are perfectly subjective issues. But on Murder in the Heartland, in reviewing it, I think the gentleman is right.

Mr. MARKEY. You heard Mr. Abbott's recommendation that the Advertising Council—is that what it is called—the Advertising Council itself develop a set of guidelines that would be uniform in terms of their application. What would you think about that idea?

Mr. MARTIN. I think each advertiser has to develop its own set of guidelines. The Advertising Council could serve a very good purpose in helping advertisers do that and sharing best practices between companies and across industry. But I think the important thing is for each advertiser to develop its own set of guidelines and to put in processes to ensure that those guidelines are effectively applied.

Mr. MARKEY. Well, what would be wrong though with having a model code that could then be embraced or not embraced by various advertisers, but at least it would be known who was embracing that code; and in that way, at least, setting some standard that

would be known with regard to what was acceptable programming at least from the perspective of those signatory companies?

Mr. MARTIN. I think the Ad Council would serve a good purpose in helping to design a model code that would be best practice. I would not be in favor of something that was imposed on individual advertisers.

Mr. MARKEY. No, I appreciate that. Would that be something that you could support? That is, if a model code was constructed at least?

Mr. MARTIN. Yes.

Mr. MARKEY. Then we would have a standard against which we could compare other companies in terms of their relationship to it, you could support that?

Mr. MARTIN. Sure.

Mr. MARKEY. And what about the concept of the V-block that the American Medical Association and Mr. Abbott pointed to. As a result of legislation which passed through this subcommittee and the Subcommittee on Transportation and Hazardous Waste chaired by my colleague, Mr. Swift, the Federal Trade Commission 2 days ago finalized rules and regulations for the 900-number industry.

Those regulations not only contain requirements that 900-number companies must warn callers and advise them of the price of a call, the nature of the service and a warning that minors need parental permission prior to incurring a charge for the call, the law also states that telephone companies carrying 900 services must block access to 900 numbers to residential phone lines when customers request it.

Congress required telephone companies to block the number to 900 lines because parents can't do this themselves. Congress felt it necessary—this subcommittee and Mr. Swift's—to couple warning preambles with the right of parents to completely block out all 900 numbers to their home because kids are not always monitored. Due to the irresponsible kids that call the numbers, should they be responsible for paying the phone bill at the end of the month?

Likewise, while a parental advisory system for violence on television is a laudable move for the industry, why shouldn't parents be availed of the same opportunity to block out all violent rated TV from their home as they are accorded with respect to 900 numbers?

Would AT&T support a proposal, as the AMA and others have, to build in that technology to television sets across the country so that V-signal could in fact be by remote control and in days or months or a year in advance, give the parents that protection which they are seeking?

Mr. MARTIN. Well, as you know, AT&T did support the measures on 900 service and applauds them. And that is because we are in the telecommunications business and directly affected by those regulations.

We are not in the business of manufacturing television sets or programming—

Mr. MARKEY. So it should be an even easier decision for you to make, then.

Mr. MARTIN. No, I think we would defer to those who were in a better position to judge. I am not a technology—

Mr. MARKEY. Well, it is doable and inexpensive as well.

Mr. MARTIN. Assuming that it is doable—conceding that it is doable, inexpensive, practical and effective, I don't think AT&T could take a position on it. I will tell you as an advertiser that I think it would have a secondary effect on us. Someone said earlier if many parents took advantage of the V-block and the ratings of those programs affected went down, that would be one of the elements in the equation to decide which programs to advertise on.

Mr. MARKEY. Again, the broadcasters and the Hollywood community contend that they are not targeting minors with these programs, so you wouldn't be losing anyone because the parents would have the capacity as they were sitting there to unlock the code so they could watch the show. So theoretically you wouldn't lose a single person if the parent was only allowing it to operate in their absence from the home.

So the question is, are those younger people actually the targets of much advertising? And if they are, then that is a horse of a different color.

Ms. Frank, what do you think about the V-chip proposal and its desirability?

Ms. FRANK. I think it raises some issues that are at various levels of troubling to me. The first is, I think, the whole issue of parents at control and the fact that right now I would think that parents who have a pretty good idea of what their kids are watching on television and doing a pretty good job of controlling what the kids watch and don't watch—

Mr. MARKEY. What does a single mother do?

Ms. FRANK. May I continue?

Mr. MARKEY. Sure.

Ms. FRANK. Those parents are probably the ones most likely to take the violence into considerations or to block the programs with some sort of a V-chip. I think parents that right now either can't or won't, for whatever reason—who don't have a pretty good idea of what their kids are doing, are probably no more likely to if they had advisories in advance or if they had the mechanism to block these programs. I also believe that kids are probably smarter than we give them credit for and would figure out a way to override any blocking mechanism.

Mr. MARKEY. Perhaps, but if it was a number put in by the parent and say the mother put in their birth date and the mother had protected that date against the child finding it, it would probably still be just as difficult for the child to figure out what it was, if the mother had already gone to the extreme efforts which they have. There is a number that everyone has or could use, and if it was broken, substitute another one. You ought to be able to outwit an 8-year-old.

Ms. FRANK. Not when you are talking about technology having to do with the television set.

Mr. MARKEY. We are not talking about 13 or 14-year-olds. We are talking about 6, 7 or 8-year-olds. Let us not overestimate technologically the skills of children at that age. If there is a code which can be put in, locked in, and then only the parent knows what the number is, I am confident that would, in most families, be sufficient.

I know it would have stymied me at 8, and I don't know how many other people in this room really still feel confident that they are technologically capable of dealing with it. Most of the technologies in our society—if used purposefully, because they had an objective in protecting their children to take this step—I don't know why people think that it would not work.

Ms. FRANK. I have another issue whether it would work or not work. Whether kids could figure it out or not is almost beside the point—

Mr. MARKEY. No, it is the point though in many ways because, you know, it is almost like saying, well, the kids can break into the parent's ATM code, and that somehow or other there is some big threat epidemic of kids going down with their mother or father's ATM number. It just doesn't happen.

And I don't think that with the age group that we are talking about it is very likely. And the correlation is that, yes, parents that come from families that are in more well-to-do circumstances, the middle and upper-middle class, would be more likely to use this technology, but that is who advertisers are targeting, largely, the people with the money.

And the same thing—and as a result, advertisers, the lower part of the socioeconomic spectrum would be the beneficiaries of it, those families with mothers without fathers in the family situation.

So that as the advertising was reduced in order to respond to the pressure of the targeted advertising audience, that is the middle and upper-middle class, those other families would be the beneficiaries because there would be that much less violence, even though they might not have the new television with the remote to monitor.

Ms. FRANK. Once again, I would argue that neither upper nor lower socioeconomic group has a lock on conscientious parents. But I would like to point out—

Mr. MARKEY. But they do in terms of being able to buy. If we mandate this technology be on new television sets, we would expect the turnover to appear more quickly in the upper and middle class than in the working poor.

Ms. FRANK. I think another issue is certainly the designation of violence, which is a problem that I have right now, since each network, as far as the voluntary agreement that was reached last month, suggests to me that each network will still be responsible for determining which programs they are going to put an advisory in front of. That still gives a parent the opportunity see what the program is and to make the decision.

It seems to me, that some sort of locking mechanism maybe takes away that decision-making. I am not saying that there is good violence and there is bad violence, but there is probably more acceptable—

Mr. MARKEY. No—again as I said in my opening statement, if the parent is there with the remote, they can watch that violence with the child. But if they are not there, they have—

Ms. FRANK. They can block it out, no matter what the program may be. If it has a V-code in it in some way, it is going to get blocked out and that may not automatically be a program that is necessarily bad for a kid to see.

I think the issue is, as you keep pointing out yourself, is that violent programs or programs with violence in them for the most part, are not targeted to kids and are not in time periods that kids are generally awake; or at least not on network television. So while again I have—I have a problem between what I want to believe idealistically and what I believe realistically based on what I know about the business. I do have some concerns with focusing so heavily on network television.

Mr. MARKEY. I appreciate that. I guess I do disagree with you.

I think that if a parent wants to decide to push a V-button and block out all violence, it should be their choice. It is their child. And if they want to unlock for some particular program, that is also their prerogative. But I don't think it is in anyone else's power or right or responsibility to determine that child may be missing something because the parent has acted indiscriminately. There might have been a few shows that were good and as a result all of them should go through and the parent should sit there all day, which is unrealistic.

Ms. MARGOLIES-MEZVINSKY. Mr. Chairman, may I—

Mr. MARKEY. Yes.

Ms. MARGOLIES-MEZVINSKY. I think this is the crux of the problem. I think that advertisers are taking cover under just this issue. It is nonsense. It is not the way it works. Parents are not policemen. It is not the difference between responsible parents and parents who are not responsible. That is nonsense.

It doesn't—you say in your statement, you know, in reality parents who most likely will heed the advisories are probably already monitoring and controlling their children's viewing. It's just not the way it works. We would love to see it work that way. It is not the way it works. And young kids are not going to figure out the codes. They are not going to do that. It is the—it has got to be the advertisers. We have to turn to advertisers for this.

Ms. FRANK. And what I am telling you is that advertisers, it seems to me, are responding, are very conscious of the environment their programs appear in and I think what we are talking about is one person's opinion of what should and shouldn't be proper advertising environment.

To your point, Mr. Markey, again about setting some guidelines for the Ad Council setting guidelines. I don't think there is anything wrong with general guidelines for an advertiser who has never had them before and you want to get an idea of what other advertisers are using. And automotive is going to have a different set of guidelines than a cereal manufacturer and each corporation as part of what they stand for has to develop their own guidelines, and I think all of our clients have done that.

I don't want somebody else telling me that is a violent program and because you still chose to run in it, even though you found no problem with it and it was within your guidelines, we are going to send you letters and tie up your phone lines.

Mr. MARKEY. My time has expired. The gentleman from Ohio.

Mr. OXLEY. Thank you. Mr. Abbott, you did a good job of dusting up the white hat that AT&T rode in on today. And it was interesting in your conversation with the chairman, you mentioned "Murder in The Heartland." But you mentioned some other, I think it

was "48 Hours", among others. Could you repeat those? I wanted to give Mr. Martin a chance to respond.

Mr. ABBOTT. They advertised on "Total Recall", which is an incredibly violent movie. "Another 48 Hours", again a very graphically violent movie and the independent station in Boston they advertised on Cobra. And it was unbelievably violent.

Mr. OXLEY. Is that a movie?

Mr. ABBOTT. It is with Sylvester Stallone, and he goes through a dozen or two dozen murders. And actually two of the worst, most violent weekly programs now in syndication, "Untouchables" and "Time Tracks" are still being shown and they advertised on that. There is really a lot of work to be done.

Just having guidelines is not enough obviously. What I said, and I can't say it strongly enough, they must understand that violence is a public health threat. It is no longer a question of taste. They have to take a much more hands-on review of how these things are slipping through these guidelines. That is what I was saying.

Mr. OXLEY. Thank you. Mr. Martin. Let me have you respond.

First of all, if you wouldn't mind, repeat the guidelines before responding. I would appreciate it.

Mr. MARTIN. Sure, I am getting a good idea of why I am the only advertiser here.

The guidelines include the following: We will avoid placing AT&T commercials on any network television programs that contain vulgar language, acts of excessive violence, sexual conduct judged too explicit for total family viewing or inflammatory or demeaning portrayals of any group or individual's religion, ethnicity or gender.

Mr. OXLEY. If you wouldn't mind responding to Mr. Abbot, besides the "Murder in The Heartland", what about the other programming?

Mr. MARTIN. I couldn't begin to respond to Mr. Abbot because I haven't seen the programs. Some of them I don't think were involved in our prescreening. The ones on the local Boston television station was part of a scatter buy.

Mr. ABBOTT. If I could comment on that. That is exactly what I am talking about.

They should not hide behind the scatter buy or the roadblock type of advertising where they advertise on all the networks at the same hour. These are schemes that they get a lot of bang for the buck by not caring where the advertising is going.

Mr. MARTIN. I don't think we are scheming to get the best bang for our buck. I am simply not accepting your characterization of those programs because I haven't seen them.

Mr. OXLEY. Well, let me just—I don't watch a whole lot of those, but I can tell you "Another 48 Hours" and "Total Recall"—is that what the Australian guy, Mel Gibson? Schwarzenegger?

Mr. ABBOTT. Schwarzenegger, exactly.

Mr. OXLEY. I get him mixed up with Mel Gibson. I am sorry. Schwarzenegger is a Republican. Now I remember.

Well, I mean, I think you would have—I would certainly see that those are very violent programs. I guess I am trying to say, those kinds of locally shown movies that have already been out and they are back on independent television and reruns and that kind of

thing, do the guidelines—do your guidelines apply to those? Or are they simply for network programming?

Mr. MARTIN. These guidelines are for network programming.

Mr. OXLEY. So there is a gap for the guidelines that apply to network television and to movies that in many cases they are the most violent things on television today. Have you given consideration to applying those guidelines to movies that are shown on independent television and on network television?

Mr. MARTIN. We try to apply the guidelines as broadly and as effectively as is practical to do. There are some situations in which it simply isn't practical.

Mr. OXLEY. Let me start with Mr. Abbot.

After we had our hearing 2 or 3 weeks ago when we had the networks come in and they had announced I guess the day before the ratings system with the chairman and with Paul Simon, and after the hearing I was rather struck by the lack of enthusiasm by the print media as they reviewed the announcement.

Now, maybe it is partly the inherent conflict between the print media and the television media, but what was your reaction? I was amazed because, first of all, the print media critics were very cynical, were very skeptical, had no—nothing really good to say about—I think one of reviewers said that it was an attempt to whitewash the thing. This was a self-policing kind of a thing. What was your response to some of that?

Mr. ABBOTT. Well, there was good news and bad news. The little bit of good news was that they were doing something.

They finally acknowledged that violence could be harmful to children. They agreed to something. But what they agreed to do was so minimal.

If you looked to see what the warning advisory is, you can barely see it on the screen. If they are going to do a warning advisory, it should be done with a push. It should cover the screen.

And some of the stations in Boston are now doing that at our urging. There should be a voice over. But instead they have an inconspicuous advisory. It leaves out millions of parents that aren't going to be home anyway. And on CBS, it is not going to be on any of their programs in the fall. So you wonder what programs warrant an advisory. It is only going to be on networks. But not on cable.

But it was a first step. But I think the other problem, of course, some people think it is a license to kill, once they put on a warning, then they can show really violent stuff and they also think that it will buy them 2 years time. That can't be true.

The pressure must continue to be applied to show them that was a first step that didn't buy them any time. The conference and thereafter, we are going to be demanding that the violence itself be taken out until a later hour in the evening. Until that happens, it is still coming into the home and it is still doing damage.

Mr. OXLEY. Some would say that the chairman's approach of providing the V-chip comes very close to censorship. I don't happen to agree. And I also don't think that it is censorship for a parent to determine what his child should and should not see. I think we maybe have a difference of opinion with Ms. Frank on that. Would you agree with that premise?

Mr. ABBOTT. Absolutely. It is censorship by the parent. And that is not censorship. Censorship involves government action. There is no government action here.

Mr. OXLEY. This is a kind of empowerment.

Mr. ABBOTT. Exactly. It empowers the parent. It is outrageous to suggest that a parent can't control what comes into his home; that we have come that far that the most intimate place that the small kids—and the chairman's right, the harm is being done to the kids between 4 and 10. And they are not going to outdo their parents when it comes to programming this chip. And the fact that we cannot protect these kids with a parental decision is really outrageous.

Mr. OXLEY. Ms. Frank, do you have a different opinion on that?

Ms. FRANK. I think you heard it before. I just question whether it is going to be used any more than—advisories are going to be used any more than any other decision making is used.

Mr. OXLEY. You don't question the parents's ability to decide what his child should see or not see?

Ms. FRANK. I really don't think that is my place to comment. I am not a child psychologist.

Mr. OXLEY. Do you think that is censorship?

Ms. FRANK. Yeah, I do. I do. And that is I didn't think this whole issue is troubling to me personally, and to many of us, I know, because we are all, I am sure violently opposed to the notion of censorship as expanded to more governmental controls on what we are exposed to. And yet, as an advertising agency representing advertisers, I want to be able to retain the power to decide that my client doesn't belong on a program. And believe you me, I've been on plenty of panels where that has been enough for someone to call me a censor; that I am censoring television programming because I have chosen to pull a commercial out of a show.

So, you know, I think defining censorship and whether I consider it censorship or not is probably less important. In terms of what—of your question as to why the announcement of the voluntary advisories was greeted with such ho-humness or skepticism, I think it is a little bit of the fox in charge of the chicken house kind of thing that each network was doing its own self-regulating or self-determination of what violent programming constitutes.

And for me personally it was the idea that network television, which I do not consider to be a hotbed of violence, even as far as the entire television spectrum is concerned, was the one who was making these—going to be imposing these voluntary guidelines when I think there are a lot of other, more dramatic offenders out there.

Mr. OXLEY. Let me ask you one other thing. Why would a parent who can—I think all of us agree—determine what time their children go to bed, or what they eat, not be empowered to determine what they can and cannot watch on television?

Ms. FRANK. I don't think—I guess I have to use personal experience and the fact that I grew up with television and essentially watched what I wanted to watch. And you may argue that the medium was different then, and it probably was.

But my sense is that if you tell a kid that he can't watch NYPD Blue, the one that has gotten the most attention these days, he is going to go out of his way to watch it. If even if he has to go to

his friend's house where they don't have a V-chip in their television set.

Mr. OXLEY. OK. I yield back.

Mr. MARKEY. The gentleman's time has expired.

The gentlelady from Pennsylvania.

Ms. MARGOLIES-MEZVINSKY. I would like to know from all of you if there is any hope that there will be a trendsetter out there? That somebody will finally say, we think that it should be this way because it is right; that we are going to advertise on programs that are family-friendly because it is the right thing to do.

One knows what happens from the other side of the picture. I mean, everything is bottom line. And we understand that. That's the way this country runs, it operates.

It also is true that if you have been on the other side, you know what people are looking for. You think you know what they are looking for. If you have dealt with it and you say, gee, that is a good picture, that is a great picture, and violence sometimes makes great pictures. As does, I think, the amount of sexual involvement on television is just as disturbing.

Where can we start? Mr. Martin, is there a possibility that AT&T will be a trendsetter and say, we simply are going to only advertise on family-friendly television programs and hope that people will say, huh, isn't that nice, AT&T is exactly where I want to be?

Mr. MARTIN. Well, I think our guidelines do point us in the direction of family-friendly.

Ms. MARGOLIES-MEZVINSKY. It sounds as if they do. But I look at AT&T advertising on everything, and it isn't just family-friendly programs.

Mr. MARTIN. When you say on average, you don't mean on—do you mean on a variety of different kinds of programs?

Ms. MARGOLIES-MEZVINSKY. Yes.

Mr. MARTIN. Well, I think that is a necessary fact of life to reach the audiences that we are trying to reach. That doesn't mean that we need to advertise on programs that violate our guidelines. And to the best of our ability, we try to avoid those programs. It is an episode-by-episode judgment that we make.

We are not infallible. Sometimes we make a mistake. You can question our competence. I would ask you not to question our sincerity. We sincerely believe in our guidelines and we are sincerely doing our best to follow them. Whether that makes us a trendsetter or not, I wouldn't say.

Ms. MARGOLIES-MEZVINSKY. Doctor?

Mr. MCAFEE. I will share with you only that the American Medical Association in its major public health initiative on family violence that we have undertaken these last 2 years—and plan to continue over the next 3 to 4 years, until we can make a difference, and we sincerely hope we can—that we have identified several corporate sponsors who have been willing not so much through their advertising dollars but through their corporate dollars to help subsidize our initiatives where necessary.

And these are people in corporations that you don't think we normally would have access to. And I point out the women's fashion houses, the cosmetic houses, some of the small foundations in this country who may have been allied with other organizations and

have identified family violence, child abuse, child sexual abuse, and elder abuse, and issues most of which have something to do with the media in some fashion taking positions, sponsoring programs, putting on educational materials, things which may be in direct opposition to where some of their advertising dollars may be going.

But it has given us an opportunity to meet with these corporate sponsors, to sit down with them and say, isn't there a schizoid policy and determination in your organization? We don't want to turn that off, but I have noticed that you have been sponsoring some rather violent programming lately, particularly on Saturday morning.

We haven't talked about children's cartoons. I was amazed with Bob Keeshan, known as Captain Kangaroo, responsible for the longest running daytime television show in the history of television—and unless you think stealing the carrots or getting hit with a ping pong ball is violence, it probably had very little violence—pointed out that, yes, there may be 30 acts of violence on Time Trax or DEA or Cops.

But there are 19 cartoon shows that have between 13 and 25 acts of violence per hour as well. And combine that with the commercialization of children's television—and I couldn't help but be reminded, as we were discussing this last month, the two largest fast food chains in the country were running promotions. McDonald's pushes Jurassic Park and the cups and souvenirs that come—a particularly violent movie. And across the street at Burger King was the Last Action Hero, with the most recent episode of Mr. Schwarzenegger, a film that is not doing so well I am happy to say; but all depicting a violent scene and being promoted to the children on Saturday morning.

Please have your hamburger in this restaurant and you will get a memento of violence in your life.

It was bothersome, and we have a right to look to those, particularly the toy manufacturers and others who have capitalized probably more than most people on violence by creation of dolls, action games, et cetera.

Ms. MARGOLIES-MEZVINSKY. What bothers me about the corporate money, rather than the advertising money, is that it really does give large corporations a place to run for cover. And it gives them the opportunity say, well, we are spending corporate money to study this. We are not doing anything to make a difference.

Mr. MCAFEE. Well, I share your concern. We are not in a position, although we do sponsor and provide 10 hours of programming per week, the American Medical Association on NBC, 60 percent of our advertising is—by and large, is through the pharmaceutical industries or products associated with health. None of our programs, to my knowledge, is very violent. And so I am not in a position to perhaps offer those observations except to say to you that where we have had the opportunity, because of the invitation to sit down with the corporate boards in our corporate visitation programs, as we continue to struggle with some of the problems of health system reform in this country.

I frequently begin my presentation by saying to them, I remind you that we live in the most violent country on the face of the Earth. The single largest cause of uncompensated care in this coun-

try is violence. And I am sick and tired of being sent a bill for violence in this country; and when I turn around and tell what you it costs, you criticize me and want to change the health system. Help us with this problem and then we can help you with solving some of these health costs.

There is no question that there is a correlation. And newspaper editorial boards understand this. Corporate boards understand this. And their role in sponsoring violent lifestyles then comes under microscopic scrutiny that they had not witnessed up to that point. And I think for that reason it has been a valuable exercise for us.

Ms. MARGOLIES-MEZVINSKY. Ms. Frank? I really do think, in all fairness, that on this issue you are our hope. I think it is where we have to go. I don't think that the networks will do it voluntarily. Being with one for a long time, we understand what rating is all about and bottom line is all about. And you really do; to one's core, you understand that.

I think if advertisers are not going to say, wait a minute, we have got to be more responsible, we really don't have any—we have few other places to go.

Ms. FRANK. But I would remind you that what you have heard from me and Mr. Martin—and we are not an AT&T agency; we would dearly like to be—but I have got to believe that just about every major advertiser out there has guidelines. And if I were to show you some of these guidelines, you would be amazed at how specific they are.

I think advertisers really do care about environment. We should accept that as a given. But, yet, ABC is putting a show on prime time this fall which is probably the most controversial program that is been put on network television in as long as I can remember for this particular reason. There have been shows that have been controversial because you say, why the hell did they do it? But this one is going to be controversial because it is violent and it is sexually graphic and there is profanity used. And you know why it is there? Partially because the viewers are going to be there.

But I am not even sure about that. I think the show is going to have to prove itself. It is not going to be an automatic audience. And I don't believe that you put a violent program on and people will automatically watch it. It has to be the program that gets the viewers. But the program will be there because there will be advertisers that support it.

There will be a certain category of advertisers that don't care about the environment that their messages appear in, that just want to reach the viewers that will be tuned to this program. And if they can buy them for a cost-efficient amount of money, then they will buy them.

So we can get all our very blue-chip clients to adhere to their guidelines, we can prescreen every single episode, we can start prescreening made-for-cable movies and syndicated movies, which we now do because of all the controversy; but it won't do a bit of good because there will always be somebody out there to support these programs.

Ms. MARGOLIES-MEZVINSKY. Mr. Abbott.

Mr. ABBOTT. Obviously, our campaign is not without obstacles and these kinds of companies that you suggested, beer companies, you know, they certainly continue to advertise on the violent programs. We hope that they are the exception rather than the norm.

I am encouraged because we wrote to 100 companies and we got back some amazing responses from at least half of these companies, and I have the letters here.

I am in total agreement with the concept you are trying to achieve. I am delighted to know that there is a group trying to stem violence. And by copy of this letter, I am making our agency aware, to avoid placing our—and our media buyer to keep us out of violent programming.

And I have another 40 letters that say that. These are major companies in the United States. That is where the campaign has to start.

I would suggest that the problem is with the guidelines, the concept of the guidelines started in the 1970s, the last time we addressed this issue. Today, they have become creaky, partially enforced and allowing all of this stuff to slip through.

What has to be done as part of this current campaign is to let the advertisers know that we are not talking about matters of taste here but a national public health threat. For that reason, they have got to take out those guidelines, dust them off, and start using them and not letting this stuff just slip through as so many of these movies and violent programs are.

I am alarmed about what Ms. Frank said about this program this fall. I hope that it will not be shown prior to 10 p.m. This is corporate responsibility.

Ms. FRANK. It won't be shown prior to 10 p.m., if it is shown at all.

But to your point, our clients update their guidelines, often annually or as often as they feel necessary.

Mr. ABBOTT. It is not what they say, but how they are implemented. That is the problem.

Mr. MARKEY. The gentlelady's time has expired. And again we appreciate the fact, and I think Mr. Martin will stipulate that AT&T is not perfect.

Mr. MARTIN. I don't think I am the first one from AT&T to stipulate that.

Mr. MARKEY. But I do think that we want to credit you for coming forward, for having the willingness to testify here today, and for the standards which you have, even if they haven't been perfectly implemented. We appreciate the leadership that you show.

Because "Compared to what?" my mother always told me was the most important question to answer. General Motors wouldn't come, Procter & Gamble, Philip Morris, Kellogg, Sears, Roebuck, Johnson & Johnson, McDonald's, Ford Motor Company, Pepsico—the other 9 out of the top 10.

So I want to credit you for that and really to raise the question as to why they don't want to and won't come in and testify on their policies. I think there is a very good reason.

The gentleman from Texas.

Mr. FIELDS. Mr. Martin I think that is the closest that I have every seen to the chairman pinning a gold star on someone. Be-

cause I was going to make the same comment. You know, it is beyond me why other corporate citizens are not represented today. I am very disappointed. And I certainly share the comments that were just made and I want to associate with the comments just made by the chairman.

Because as we have progressed through this issue, we discussed the influential role that advertisers play. And again, I recognize you are not perfect. I am not perfect. But we appreciate your being at the table. And if I could, I wanted you to elaborate just a moment about the professional screening service—because I was not aware that something like that existed—and exactly what role it plays in the process, and if you could give us an idea even of the cost of something like that.

And I am trying to, in my own mind, understand how available are services like that to other corporate citizens, if they elected to employ, you know, such a service?

Mr. MARTIN. Well, the service is hired by our advertising agency and the cost is quite nominal. I believe most agencies employ such services. The one we use is AIS-Harris.

Ms. FRANK. We do our own in-house screening.

Mr. MARTIN. And it doesn't cost very much. It has proven very valuable to us. They screen all the programs prior to their airing. Sometimes with late night programs it is just prior to air, and in other cases it is a week or two in advance.

Mr. FIELDS. And as I understand, they look at things such as vulgar language, excessive violence, sexual conduct, that is judged too explicit for a family, inflammatory or demeaning portrayals of anyone's religion, ethnicity, gender; is that correct?

Mr. MARTIN. That is right.

Mr. FIELDS. And also I was impressed in your comment, or in your statement, that when it comes to advertising, you can devalue your brand name by associating with programs that would offend the vast majority of viewers or you can add value.

You know, the other people are not here. Do you know how many others of your competitors, particularly in the top 10 or top 25, have the same type of system?

Mr. MARTIN. I would guess they all have some kind of system like this. I don't know that for a fact. But they, for example, would need to know that the commercial they are inserting in the program is of good broadcast quality, that it is not immediately adjacent to something that is antithetical to their own business. Even if they were concerned about violence or sexual content, they would want to make sure, as someone said, if they were an airline, that the program is not about an airline crash. So there must be some kind of screening going on at most of these companies.

Mr. FIELDS. And you prescreen every episode of every network TV program on which your advertising is scheduled to appear?

Mr. MARTIN. That is right.

Mr. FIELDS. Do you do the same thing for your clients?

Ms. FRANK. Yes, absolutely. The only programming that we can't prescreen is news programming. The news magazines, 20/20 and 60 Minutes, are not available for prescreening, but for anything that we can't prescreen, we get concise summaries.

We look for different things for different clients. Obviously, if it is a food, we want to make sure that there is—no one eats a fast food hamburger and dies, or if it is an automotive that nobody gets drunk and drives a car off a bridge. But in terms of the guidelines that I am sure you are more likely to be thinking of, in general, we could say it should conform to each client's standards of good taste. Within that, it is clearly not making fun of any religion or ethnic group or sexual orientation or sexual role; it is profanity, it is its sexual content, specific graphic sexual portrayal, it is violence.

Mr. FIELDS. Is that the standard in your screening? I would assume, if I was one of the top 10 or top 25, I would be interested in the vulgar language, the excessive violence, the sexual conduct too explicit, the inflammatory or demeaning portrayals of anyone's religion, ethnicity or gender. I would consider that to be a standard request by any company.

Ms. FRANK. For the most part, those appear in all of our clients' guidelines. We use the screening service that Mr. Martin mentioned. If something comes in very late and we are unable to screen it ourselves, we will go to the screening service. It is a co-op service that is owned by six or eight of the major advertising agencies.

But for the most part, we do things in house because we have had the same man, essentially, running this group; for the last 40 years, believe it or not, he has done nothing but screen television programs. And he is not shaking too much now. But he is so familiar with every client, and what every client—what is going to be a trigger for every client, we find this is the most effective way to handle the prescreening process.

Mr. FIELDS. And I apologize if I ask a question that has already been asked. I have been dealing with a matter all morning, another matter.

Has your unwillingness to advertise or your rejection of a program ever had a discernible effect?

Mr. MARTIN. No, not to my knowledge. You mean on the network?

Mr. FIELDS. But you have in the past decided not to advertise because of the content of some programming?

Mr. MARTIN. Oh, yes, and we have in the past withdrawn our advertising after screening an episode of a program. And it hasn't had any effect that I could vouch for.

Mr. FIELDS. Ms. Frank?

Ms. FRANK. We have also pulled out of programs for our clients. I don't think it happens very often because, again, I don't think network television is a great violator for the most part. But maybe 2 percent of all advertising that is placed or purchased eventually gets pulled.

And, you know, we have to consider that the current economy, especially in the advertising business, is not terribly robust, so you realize now that if you pull a spot or if you pull a commercial, there will always be somebody waiting to take your money. So it has perhaps become—it is perhaps a bigger problem when the economy is soft than when there is a lot of demand for network television.

But as to having an impact on the network, the only instance—other than the network having to sell the time for bargain rates,

which doesn't really affect us because obviously we are not going to buy it for anyone else, if we rejected it for one client—is that I believe several—either ABC scheduled a special which had such advertiser problems that the second in the series of specials which had already been scheduled was pulled because it was recognized that there was no way to get support for it.

Mr. FIELDS. Just in closing, a few personal comments, and, Dr. McAfee, I wasn't here to hear your testimony. I read it. It is consistent with what we have heard.

In my mind, there is no doubt that there is linkage between violence on TV and some of the problems that we face in society. I would hope that there would be more recognition among some of your major advertisers that there is a real need at this particular moment to be good citizens.

And, again, Mr. Martin, I want to commend you and your company. And I don't know what the chairman's pleasure is, but I plan to write a letter to these other companies expressing my disbelief that they were not willing to come before this committee and share with us, and I will be anxious to see what kind of response I receive. And I want to say to you, Mr. Chairman, I appreciate your using your Chairmanship and using this subcommittee and moving forward in what I think is very positive and very constructive.

I think we all have responsibilities in this society, and I am extremely disappointed with the other 24 companies that didn't show up today.

Mr. MARKEY. I thank the gentleman very much. Perhaps—the gentleman referred to, Dr. McAfee, would you want to give some of your thoughts at this juncture as to what you have been hearing, Doctor?

Mr. MCAFEE. Let me tell you how delightful it is representing the AMA and to have gotten this far in the hearing and not being dinged thus far.

Mr. MARKEY. This is the World Wrestling Federation, and Congressman Waxman will be in in a few minutes.

Your observations?

Mr. MCAFEE. We have talked about censorship and First Amendment. I don't look upon what you are discussing particularly with the V-chip as censorship. This is parenting, and Lord knows in this day and age we all need help in improving our parents skills more so than at any time in the history of this country.

And anything that would allow parents to do the right things for their children, I think should be encouraged. And in that regard I strongly—as I have testified, and we strongly as AMA—support your intent and your recommendation.

I can't help but draw the correlation between the smoking issue and this issue. The warnings on the television programs may not carry any more significance that the Surgeon General's warning on a pack of cigarettes. It did not do very much in reducing the number of people who die as a result of cigarette smoking. And yet when the side stream smoke issue became so apparent, the tie between someone else's person habit and my health became scientifically proved and the link was there.

And I think we are close; the studies that have been done have been quite convincing to me as a scientist linking television vio-

lence and subsequent lifestyle down the road. We have followed kids long enough to tell you that is an extremely high risk factor and we have to break that cycle at some point unless we are going to continue to foster the violence that is dominating this country. And both of our major news magazines this week, cover stories, again are on teenage violence and guns in this society.

I commit to you the American Medical Association's identification of violence as the major public health concern of ourselves, of our organization in this day and age. As I become president next year of this association, this will be my theme.

I live in a State that by some standards, Maine, may not being looked upon as a violent State. It is a rural State, a small State. Yet 40 percent of homicides in my State last year were women who were killed in their homes by their husbands or boyfriends. We have more women who are killed in their homes in a 5-year period than men died in the Vietnam war.

We have a major problem with violence. And the reason for that violence in large part stems from the acceptance of violence at all levels in our society, a major force of which is television.

Envision if you will, the President of the United States 25 years from now standing in front of the Vietnam Wall giving an address on Memorial Day with five other walls with the names of women killed by their husbands as a result of violence that was fostered by the media, by lack of parents, lack of supervision, lack of education up to that point. And I think, Congressman, the time has come, and I commend you again for this hearing.

I am reminded that when issues are so big and so evident that we do challenge some of our constitutional foundations, the removal of advertising on television and the electronic media for cigarettes done many years ago was a significant step that generated much this same discussion. It was done with the cooperation of the industry for the reason that they were getting killed with the public service announcements that were then mandated on television.

I remind you how powerful that media is. You can remember 20 years ago the District Attorney on Perry Mason dying of cancer of the lung barely able to talk to you in the whisper asking you not to smoke. You recall the powerful public announcement with the father and the son playing in the park. The father stopped for a rest, leaned against a tree, takes out a cigarette, drops the pack between the two and the 2-year-old picks it up.

And the television networks were almost mandated to balance time because of the tremendous cigarette advertising at the time. They agreed to removal of cigarette advertising. The PSA's were put on at 2 a.m. And we see the cigarette issue has been won. In terms of my perspective, the side stream issue is so strong that it will be dealt with.

We are at the early stage of doing the same thing with television violence. I think the warning labels are a good first step. But we need to go further. And I think the technology is with us to allow parents to do a better job in helping us diminish violence in the home.

I think following this, and using our corporate commitment of corporate America, who I think by and large will be committed to this. And I also recognize the commitment of the advertising agen-

cies and I commend Saatchi and Saatchi, particularly because of a very courageous stand in support of Northwest Airlines when they adopted a nonsmoking policy and despite the pressure from a major tobacco company who was one of their clients and went elsewhere because they stood by their guns.

Mr. MARKEY. What would your message be to the advertising agencies on this issue? There is a bit of denial. What is your message to them?

Mr. MCAFEE. My message is to all advertisers not just the big hitters, but everyone who is going to use television as a medium for their product. If we don't have any people left in this country who are not so intimidated by the violence in our society, then there will be no audience, there will be no customers, there will be no future for your corporation there.

It is a very great fundamental problem that we have in this country, and as citizens, as individuals and as corporations we all have a genuine share in its solution. I look to Corporate America who has brought us some of the great quality of life issues that we have at this time to continue to focus on the quality of life in the future.

I thank you for the opportunity.

Mr. MARKEY. Thank you for that very powerful, compelling testimony.

The gentlelady from California.

Ms. SCHENK. That is not fair, Mr. Chairman.

That was a very profound and thoughtful statement, Doctor, and I personally appreciate it. I know the entire committee does. It gives me great hope to know that you are going to be in the leadership that you will be next year to take this message across the country. I think you will be enormously effective.

So much of what I had to say or ask has already been covered by the chairman or Mr. Fields, and especially my colleague, Ms. Margolies-Mezvinsky whose experience I can't match as a mother or stepmother since she has 11 children, combined with her background in the media. But I must say that in the few short months that I have been here and the many, many hearings that I have attended, almost none have been as troubling as this. Particularly with some of the answers of Ms. Frank.

As the chairman says, I think from the testimony, which I read, and the answers to questions, that there is an enormous amount of denial to what is going on in the real world. And Ms. Frank, you made a comment about letters piling in and phone lines being tied up by people. That happens to me, too, in my district office and in my Washington office.

But my reaction, I think is a little bit different. It is people who have an anger or frustration and they turn to my office or to yours because they see that we have certain responsibilities. Mine because I asked them for their vote. You and your clients because you come into their home and you also take their money.

So your annoyance with that outpouring is surprising to me.

Ms. FRANK. Can I respond—

Ms. SCHENK. Not yet. Let me finish, please. In your testimony you say we don't believe in pressure groups trying to clean up tele-

vision. Well, pressure groups are people. They are individuals and the TV ultimately and the airwaves belong to the people.

So my question to you, Ms. Frank, is what would you consider an acceptable level of interference, and by whom, in trying to stem this terrible, terrible national onslaught of violence that does, in fact, come out of the television tube and from the networks, as well?

Ms. FRANK. I disagree, but as far as the letters of which I spoke and the telephone calls, I am not talking about letters and telephone calls from concerned citizens. I am talking about letters that are in effect Xerox copies of each other that come from an organized group, that have been recruited to watch television programs to make note of every instance of sexual act or violent act or anything that is perceived that way and to send a copy of a letter or to make a telephone call, when they are given the exact words to use, to an advertiser. Absolutely in no way to ignore the letters or telephone calls that are clearly from people who are concerned with what they see on television or what they see a client's sponsorship of what is on television to represent.

Ms. SCHENK. But you didn't answer—first of all you didn't answer my question. What level of interference would you accept?

Ms. FRANK. I would accept no level of interference to be perfectly honest with you. I don't think—if viewers don't like what they see on television, and I know this has been said before, there is an off button and a switch. I think the thing we also have to keep in mind—there is a switch to change channels.

I think we have to remember that if the future develops in terms of technology and in terms of communications the way most in our industry believe it will, just about everything that comes into your home is going to be on demand. And this won't even be an issue because you will have total control over every bit of television programming that you want to see. And I may have some problems with being able to control what we all have available to us.

But the fact of the matter is that is the direction that we are heading into. So maybe the V-chip is not such a terrible idea. It is probably just a forerunner of the way things are going.

I think the networks obviously have to take the biggest step in deciding what their programming is and isn't going to be. Advertisers—and I have to again disagree. I don't think we are denying it. I don't feel that I'm in a state of denial.

I honestly have been very honest with all of you. I think we absolutely recognize the importance of the right environment, an environment as Mr. Martin points out. The decision to advertise in television is not designed to support free speech or to support quality programs. It is a business decision. Absolutely. That's what television advertising is.

But nobody wants to make a business decision that runs the risk of alienating a current or potential customer. I think we all take that very seriously. But as I said earlier, ABC still will put this program on the air in the fall and somebody will support it. So I think it is going to be the networks that have to take the biggest role. I don't believe outside groups have a role in this except that we as representing our clients can decide not to support it.

Ms. SCHENK. Let me say as an aside, whether somebody signs their name to the bottom of a postcard, a Xerox copy of something that has been written for them because they can't write it and subscribe to what it says, that is as valuable a reaction as any handwritten or flowery drafted letter. But I must say that I am just very disappointed to hear what the reality is for you and your clients. It is about money rather than doing what is right. And so I hope that with the help of Dr. McAfee and the advertisers, perhaps as Mr. Martin, that we will be able to do what is right if your clients will not do it.

Ms. FRANK. Why have you gone back to that?

Why have you said that it is a matter of money when I have told you that we try to do what is right? We don't support violent programming. We pull our clients out of programming that is deemed to be excessively violent or too intense. Especially if it is in a time period when children are more likely to be watching. You know, I don't understand why that was your response to what my remarks have been.

Ms. SCHENK. I think that is the whole problem.

Ms. FRANK. Well, that probably is.

Mr. MARKEY. The gentlelady's time has expired. Gentleman from Kansas. Mr. Slattery.

Mr. SLATTERY. Mr. Chairman.

First of all, I appreciate you continuing to focus on what Dr. McAfee and the American Medical Association and other groups in this country have clearly recognized as a national public health care concern; violence in America. And I am delighted, Dr. McAfee, to hear that this is going to be a focus of your organization next year.

And the statistics that you offered today, I thought were very compelling, especially the statistic about the number of women in our society who are killed by their spouses or male friends. It is an astounding statistic.

I appreciate you all being here today. And I appreciate your testimony.

And Mr. Martin, I particularly appreciate the fact that AT&T is willing to step up to the table today and sit down and talk to us about their policy. And as other members of this panel have already done, I would express my disappointment with the other major corporate players in America that are unwilling to come forward and explain to the country what their policy is as we deal with this very difficult issue.

I happen to believe very strongly that we will clean up American TV only when the advertisers who pay for it assume responsibility for how they are spending their advertising dollars. Once we remove the profit, the money if you will, from violence on television, we will see the programming on television change.

And we will do this when advertisers accept their responsibility for how they are spending their advertising dollars. And I appreciate the fact that AT&T is taking a proactive stance in response to our concern.

And when I say "our concern", I am talking about the members of this panel and a growing number of Members of Congress. And the concern that you hear expressed by us is concern that we are

expressing on behalf of those people who sent us here, and in churches all across this country and in other organizations there are now petition drives starting where people are individually having an opportunity to say we are sick and tired of this and we want to change it.

Now Ms. Frank, I don't know whether you would call that special interest expression or whatever you want to call it. OK. The reality is there is a growing number of people in this country who are tired of it and they want a change. And they are trying to figure out ways to express that frustration.

And one of the ways they do it is through their elected representatives in the political process. They do it by signing petitions and by signing letters, form letters if you will.

They send them to us by the thousands and they send them to you. And I hope the next step will be that they send it to Ford Motor Company, to Chrysler and to all the other major—GM and Philip Morris and all the other major corporate advertisers in America. And when they start putting that kind of pressure on corporate America, corporate America will respond.

And I think that is the only way, frankly, we are going to get this problem addressed, because we recognize the limitations of the First Amendment. And none of us on this side of the table are advocating censorship.

This Member has tried my best to urge everybody involved in this, from parents to the network executives to Hollywood executives, to advertisers to corporate America's leaders to accept their personal responsibility, because we all have a very important role to play in solving this problem. So, again, I appreciate you all being here.

And I want to ask Ms. Frank one question. You are telling me and telling the panel today that you are taking—and I got in at sort of the end of your testimony today—but you are attempting to tell us that you are taking a very proactive role in trying to get your customers, your clients, out of the business of spending their advertising dollars on violent programming; is that what you are trying to tell us?

Ms. FRANK. What I have told you is that our clients have given us the guidelines that they have established for the environment in which they want their advertising to appear. And we are very conscientious in prescreening and making sure that we adhere to those guidelines.

Mr. SLATTERY. Do have you a growing number of your clients who are expressing concern about where their advertising dollars are going with regard to this question of violence? Do you have a growing number that are coming into you saying, Ms. Frank, we don't want to be advertising and thereby supporting these violent programs? Do you have a growing number of your clients are asking to you do that?

Ms. FRANK. I think our clients have always been concerned and continue to be concerned. I think perhaps what has happened more recently is that because of the intense competitive pressure that the networks are feeling, they are likely to make some mistakes which they will then acknowledge after the fact. Whether it has to

do with Amy Fisher or an ambush in Waco, they later will say, yeah, we probably shouldn't have done that.

And as long as the networks are more willing to acknowledge their mistakes after the fact, I think we are more likely to pull our clients' commercials before the fact. In other words, to err on the side of conservatism in this area. So I would probably say to you, yes, I think we have in recent months, probably in the last year or so, become more aware of the environment and probably more likely to make those decisions. But always within the context of our clients' guidelines.

Mr. SLATTERY. Let me ask the question a different way. Is there a growing number of your clients that are expressing concern about their advertising dollars supporting violence on television? Yes or no?

Ms. FRANK. They always have been concerned. You know, it is like—they told me you would ask if I stopped beating my husband if I came down here.

Mr. SLATTERY. No, I don't think that is the kind of question I asked. I am wondering if we are getting through.

Ms. FRANK. They are concerned. Obviously this is an issue that has gotten a lot of attention in the last couple of months. I think we are getting more questions about it; yes, absolutely.

Mr. SLATTERY. That is what I wanted to know. Yes. OK.

I have no further questions Mr. Chairman. Again, thank you for the continued energetic leadership that you are offering to this effort. And I appreciate the panelists appearing here today. And the next time we have one of these hearings I hope that we can entice representatives of other major corporate advertisers in America to come in and talk with us about what they are willing to do to help in this effort.

Thank you.

Mr. MARKEY. You know, the problem that I think each of us has here, Ms. Frank, is that, you know, we hear a lot about how the advertising world tries to create a response from an impulse buyer so that the consumer who responds to the advertising to purchase a product almost in a Pavlovian way. It is a technique. It is something that can, in fact, elicit a response from a certain percentage of consumers.

What my V-chip proposal is intended to accomplish is to turn the tables essentially. America's parents could, with the click of the clicker, advertise to the TV industry and to its advertisers that they don't want excess violent programming on the air anymore.

And then we might see the advent of impulse advertisers who decide that they don't want to be attached to that program any longer. And the government has no role. We are not deciding.

In many ways, there is no organization, except to the extent that you happen to be the parent of a 2 to 10 year old, if that is an organization in America. And the conversation goes on with the advertiser caught in the middle trying to decide one way or the other with this response that may or may not ever develop. But if it does develop, it is only the parents of those who have children in that category.

And, again, I have some problem in understanding what the difficulty would be in embracing that as a very American, a very

democratic, very constitutional way of empowering parents to have that conversation with Hollywood and the broadcasting community.

Ms. FRANK. I think in that respect, once again, I would say that it is probably very indicative of what the future is going to be in terms of inter-activity and in terms of virtually everything that you allow into your home to be at your behest and there won't be programming that you just tune into, you will be able to select at will whatever you want to come into your home.

What I am saying to you is that I have no problem with a parent controlling, if that is the word, what their child watches on television. And if technology is the only way to do that, then it is worth a shot. There is nothing wrong with that.

My concern with the concept is that taking the next step, I think there is an element of censorship in being able to turn on and off what has been, in effect, broadcast into every home. I think that is probably unlikely to happen and once again, you know, given the research that does suggest a connection, even given the lack of anything definitive that television is the cause of what is going on, it is certainly worth a shot.

But again, I believe it should all be voluntary and I don't think it is—

Mr. MARKEY. Well, it would be voluntary, but not the mandate that the technology itself be ready to receive the V signal. We would have to mandate out of this committee that every TV set sold in the United States have a chip in it that would be capable of receiving this signal. Would you have any problem with that?

In other words, we did it for the deaf and the hard of hearing in 1990 as part of the Americans with Disabilities Act on this subcommittee so that 24 million deaf and hard of hearing would have the capacity of having the closed captioning go into every television set. And as of June 30, as you know this year, that is now in effect.

It seems to us that parents with children in that category are similarly situated as were the deaf and the hard of hearing. And this is just an additional technological way of empowering them to be able to elicit from the machine the information which it has the potential of producing.

Would you have—again—this is a very important point, you know, because it gets to the heart the matter. And I will tell you why. Let me tell the problems that we have had over the years.

You have the one level, the broadcasters and Hollywood. Have they voluntarily made the decision over the years to reduce violence? No.

The next level you have are the advertisers? Have they exercised their clout to effectively reduce violence? The answer is no.

The next level would be the general managers of all the local affiliates across the country who fully do have the power to reject the volume and the quality of violence.

Ms. FRANK. More power to the networks.

Mr. MARKEY. Have they exercised it? No.

So after a history of each one of these levels failing the country and the children, the only group left are the parents. And technologically, this device would empower them to make the decision. Not for the whole society but just for their children sitting in their living room, their kitchen, their bedrooms.

Collectively they speak or remain silent. We reach a point of futility. We understand that the rest of the system doesn't work and the equation has something missing. This has the X factor that does have the dynamic that could create the response from the rest of the industry.

After all, each of your industries are—Hollywood, advertisers, are stimulus response institutions and there is nothing more stimulating than your potential customer saying that we don't like that anymore. And right now you don't have any way of communicating that message.

Ms. FRANK. The only thing that is keeping me from saying fine, no problem, is that "mandatory." I don't understand why it can't be a feature of a television set which someone would choose to buy as if they would choose to buy any other feature of the television set.

Mr. MARKEY. I appreciate that. It would never happen. You reach a point—Lee Iacocca can battle this committee and say, please don't mandate these air bags. And then when it is in: Chrysler is the only car manufacturer with an air bag on the passenger side. And then wait a minute. Maybe we helped out a little bit here, you know. And it is in that context that we in this committee, after all these years, deal in the real world; the way it really works.

And there are certain times—whether it be clean air or cigarettes or air bags or violence—where the marketplace just didn't work. And, in fact, the marketplace might just work the opposite way from what the public interest may be.

Mr. SLATTERY. Could I just ask one direct question of Dr. McAfee. As you may know and the other panelists may know, I have authored House Resolution 202 which would express the sense of the House about television violence. I would urge your organization to take a look at it, maybe AT&T and others.

And all it does basically is express the sense of the House with respect to the broadcasting of video programming containing violence. And I would urge to you take a look at it. We could use support from the outside in trying to get a more broad-based expression of concern about this from the House of Representatives.

Mr. MCAFEE. I would be delighted to. Thank you.

Mr. MARKEY. The way we will conclude is by giving each of you 2 minutes to summarize what it is that you want us to remember as we go through this process. And I can promise you that you have an extremely attentive Congress at this time. And this is something which will result, I believe, in some action before the end of this year.

Let's begin with you, Mr. Abbott. What would you like the Congress to remember?

Mr. ABBOTT. Let me say two things first about the V-chip, which I think is an excellent idea. Fundamentally the public owns the airwaves. The broadcasters are given the license to put a program on the airwaves and address it to the viewers. The suggestion of the computer chip only works with each individual parent making a decision. It is not a collective act in any way, shape or manner. So there is absolutely no censorship involved.

It is the ultimate of personal freedom, and all it is doing is allowing a parent to rise a little bit further up to be equal with the broadcasters who are trying to put the program into their homes. I think it is fundamentally fair and constitutional and based on a whole lot of individual decisions.

The other thing I would like to say about this morning is the good news about this hearing is that we heard that there is already machinery in place with all the major advertisers to know what they are advertising on. And that is new. I mean, this machinery has been there for 20 years, but it wasn't there before that. But it is new that they are now recognizing that they can make these decisions.

All we have to do now is to ratchet up the corporate responsibility so they see that violence on television is unique. It, itself, is a public health problem. And they are going to have to be more scrupulous and diligent in how they apply their guidelines, which look good on paper, much like the networks's guidelines look good on paper. So that is the good news.

And we have got to keep pushing and driving so that they apply those guidelines in that manner so as not to let these major graphically violent programs slip through the cracks.

Ms. FRANK. If I have to leave you with something, it would be that advertisers do care about the television programming they sponsor. They don't just care about getting the ratings. We take a great deal of time in ensuring that every program in which our message appears is in keeping with the advertiser's standards.

Does that mean that things don't slip through the cracks, such as they did with AT&T? Sure, they slip through the cracks. And we take the responsibility or we take the responsibility with our clients, and we respond to viewers accordingly.

I am very optimistic—well, I am cautiously optimistic about the network conference that takes place next week, the industry conference. It might interest you all to know, as a matter of fact, that to the best of my knowledge, advertisers have not or agencies have not been invited to participate in that conference. The sense of it is that it is for those of us who make television.

Now, if what I am hearing from all of you today is true—and I know it to be true—clearly, advertisers are awfully influential in not necessarily what gets on the air but probably what stays on the air. So I think this is probably a pretty serious omission that they have made; but they made it, so let's see what comes out of it.

I think Americans do like network television. They are watching it. They are not inclined to turn—you know, they may say there is too much violence, there is too much sex. Television is everyone's dirty little secret, and people are generally reluctant to admit they watch it or that they watch as much of it as they do; and it is very difficult in talking with market researchers to get people to admit their true feelings about television, but ultimately I think they like it very much. And they like the programs that are on the air.

And again I point out that the most popular programs are not violent programs. They are situation comedies and 60 Minutes and Murder She Wrote, where people die but don't shed any blood. So I don't think there is a real problem there.

But we do want the networks to be healthy and strong. For now, this is the advertising business, and mass media are still very important to our clients. We are probably entering an era where niche will be more critical but right now the exposure and the ability to introduce new brands is directly dependent on network television, and if viewers seem to like it and if advertisers are accomplishing their goals and if we are scrupulous in our attentiveness to content, then I think it is now up to the networks.

Mr. MARTIN. I would still like to thank you for inviting me today. I enjoyed it, profited from it and appreciate your kind words about AT&T.

We share the committee's concern about the harmful effect of a steady diet of TV violence on our children. And we agree with Dr. McAfee that advertisers have a responsibility to look beyond rating points and refrain from supporting programs containing excessive violence. I believe that through careful application of our own guidelines and through reviewing how we apply those guidelines periodically, we are doing our part.

Thank you very much.

Mr. MARKEY. Thank you. Dr. McAfee.

Mr. MCAFEE. Mr. Chairman, I must first take the opportunity to commend Ms. Margolies-Mezvinsky for her large family. I am one of nine children. I didn't sleep alone until I got married.

Mr. MARKEY. There are a lot of politicians that are glad that you have never run for office in Maine.

Mr. MCAFEE. Let me finish by saying I am a surgeon. I do general and vascular surgery. And I have struggled to try and extend the life of my patients and the quality of their life. You have got to realize how much of a struggle that is in some patients to gain 1 year or 2 or 3. And about the only time I really cry anymore is when violence snuffs out someone at age 20, 16, 10, and all those years of life are lost because of what we consider a preventable problem.

Accidents don't happen in this country. They are injuries that can be prevented. We have a whole new division at CDC that is devoted to that, and I am delighted to serve in an ex officio advisory role to that division.

There are those in our society who are most vulnerable to the impact of violence. They are the same individuals who are most vulnerable to the impact of television violence. And they are same people who do not vote. And they are called children. And I think that this particular medical problem, this public health problem that we have been discussing today, which has an agent, which has a disease, which has an end result that can be fatal, deserves our attention directed towards the agent, the infectious causation of this that occurs to children at a age in which they are most vulnerable to the outcome.

And it seems to me that anything we can do as citizens, as professionals, as Members of Congress, as responsible corporate citizens, as those involved in the industry and advertising, we have got to keep our focus on those individuals; and it seems to me that the suggestions that have come out of this hearing today give us a good first start in continuing down that road.

There is so much more that will need to be done. But I think this is the logical place for us to begin to extend our efforts at this point. And I pledge to you the continuing cooperation of the American Medical Association in whatever fashion we can be helpful in this endeavor.

We need your help for our patients and your constituents, and I thank you again for the opportunity to be here today.

Mr. MARKEY. Thank you, Dr. McAfee. I think the AMA is very lucky to have you, and I think the country will realize that as well before you finish your term of office.

Thank you so much.

First, let me again note that AT&T was the only one of the top 10 television advertisers willing to engage in this discussion today. Corporate America is revealing a very disturbing unresponsiveness to the efforts of this subcommittee to find solutions.

Second, let me be clear about why broadcasters who account for only a small number of channels on today's average TV set continue to be a focus of our attention. Even in a cable household two-thirds of the audience is watching the networks. Forty percent of America does not have cable at all. Cable and satellites have already embraced giving parents the power to block violent programming, supporting the legislation which I am talking about. This is going to happen on cable only. Broadcasters are continuing to fight parents who want a V-block.

Third, it is clear that public expectations for action on this subject remain high. Advisories are a warning, but not a defense. Parents want a defense to go with the warning. A V-block is that defense. Denying this to parents is simply unacceptable.

On Monday, the TV industry will meet in Los Angeles to take stock. It is the culmination of a 3-year period of discussion kicked off by the Simon-Glickman 1990 bill providing an antitrust waiver. We have given the industry permission to talk. But the time has come for permanent change; instead of taking stock, they should support the block.

To promote parental empowerment, I am introducing in the next few days a bill to require that all television sets sold in the United States be ratings-ready so that with the push of a single button, parents can protect their children from all shows rated "violent" on cable, on satellites, on over-the-air broadcasting. No exceptions.

I think that from the responses of the members of the subcommittee, it should be clear to all that a consensus has been reached on the need to give more power to parents. I think the medical evidence is overwhelming and irrefutable. And I think that the sense is that the time for talking is over. It is now time for concrete, specific steps to be taken that can be understood by parents and then relied upon to be permanent.

The discussion which has taken place over the last 40 years has resulted in a roller coaster ride of promises and then, after a period of time, relapse back into the same patterns of conduct across the country.

We are going to act. It is a bipartisan concern. We want to work with all parties. But in the end, we want parents to have the power to make the most important decisions that affect their children's lives.

We thank each of you for your help and would like to work with each of you on any future legislation.

This hearing is adjourned.

[Whereupon, at 12:03 p.m., the subcommittee was adjourned, to reconvene at the call of the Chair.]

[The following material was received for the record:]

STATEMENT OF HALLMARK CARDS, INC.

Hallmark Cards, Inc., is the Nation's largest manufacturer of greeting cards and related personal communication products. A more detailed corporate description appears in the attached materials.

Hallmark began advertising nationally in 1928 when the company's founder, J. C. Hall, personally wrote a full-page ad for *The Ladies Home Journal*. A decade later, radio programming was added—most notably, Tony Won's *Radio Scrapbook*, which was fully sponsored by Hallmark. Our production of radio programs evolved into a series of dramatizations based on the works of famous authors, which eventually led to Hallmark's long-term involvement with high-quality television programming through the Hallmark Hall of Fame.

In 1951, Hallmark advertising entered the world of television via full sponsorship of the first Hallmark Hall of Fame television program. This well-known series quickly grew to represent the vast majority of Hallmark's advertising efforts over the next 30 years. Now in its 43rd consecutive year, the Hallmark Hall of Fame has featured 177 broadcasts to date, including 149 original programs and repeat telecasts of 28 of the most popular productions. Additional information about the Hallmark Hall of Fame and its programs can be gleaned from the attached materials.

The purpose of the Hallmark Hall of Fame is to equate the Hallmark name with quality and good taste. It reflects the company's consistent commitment to excellence in television programming. Each program is developed and produced specifically for broadcast as a Hallmark Hall of Fame, and each telecast is fully sponsored by Hallmark. The Hallmark Hall of Fame strives to present programs that involve, enrich, and entertain the audience—intelligent drama that is appropriate for viewing by all family members.

The subject matter of Hallmark Hall of Fame broadcasts encompasses a broad range. Programs have been based on literary classics, stage plays, original contemporary stories, and well-known children's stories. Topics have often included major social issues, the overcoming of personal adversities, and the growth of interpersonal relationships. Regardless of source or topic, the programs are generally built around the importance of personal relationships and the need for personal responsibility—to other individuals, to society, and to one's own self and values.

Given this commitment, it can easily be understood that Hallmark Hall of Fame programs—virtually by definition—do not include elements such as gratuitous or excessive physical violence that are in poor taste or are otherwise offensive.

As a result of its high standards and consistent commitment to excellence, the Hallmark Hall of Fame is by far the most honored series in the history of television. It has been recognized with 74 Emmy Awards and numerous Christopher Awards, Peabody Awards, Golden Globe Awards, and a variety of other recognitions. Many of these are attributable directly to the life-affirming values so frequently featured within the telecasts.

The series also attracts praise from educators, social service organizations, and government officials. Most gratifying, it consistently engenders a strong positive response from viewers, as indicated by thousands of letters and phone calls each year, many of which thank us for providing programming without violence and other offensive content. Accordingly, through years of producing award-winning, thought-provoking television programming, Hallmark has found that success does not depend on gratuitous or excessive violence.

Until 1980, virtually all of Hallmark's television advertising consisted of the commercials included within Hallmark Hall of Fame telecasts. In 1980, Hallmark began adding a significant amount of additional television advertising on other programs in order to reach a broader audience with greater frequency.

At that time we realized the need to establish a formal set of guidelines—a Program Content Policy—to assist us and our advertising agencies in selecting the television programs on which we would purchase advertising time. While our media plans are constructed to reach specific demographic targets and to deliver messages with timing based on our marketing objectives, the only programs that are consid-

ered as candidates within those plans are those which are consistent with our Program Content Policy.

In defining its purpose, our policy states that "it is the responsibility of the broadcaster to determine the content of programs ... it is up to the viewing audience to accept or reject those programs ... It is not Hallmark's intent to censor programs or dictate what will appear on television. However, the company recognizes and retains an editorial responsibility for itself in regard to the program material it sponsors." Consistent with this view, our Program Content Policy has these objectives:

—To exercise corporate responsibility to our employees, our customers, and to society by ensuring that Hallmark's television advertising is placed in programs that are consistent with the high standards of the company.

—To enhance advertising effectiveness by associating Hallmark commercials with program content that is compatible with the purpose and tone of our advertising and the quality of the products advertised.

The subject of violence is addressed specifically by the guidelines established to meet these objectives. They include provision for avoiding the placement of commercials on programs "which contain sequences involving excessive violence or brutality of any kind."

In implementing these guidelines, we and our advertising agencies periodically review all network and syndicated programs to determine which of them are consistent with our policy. Among those deemed acceptable, we then have an outside screening service provide a summary and evaluation of each individual episode prior to its broadcast. It is not uncommon for us to move commercials away from individual episodes based on these reports.

Net, our guidelines are clear and are implemented with great care.

Our historical programming standards and guidelines and ongoing interpretation of those guidelines are accurately considered by many outside of Hallmark to be rather conservative or cautious. We believe, however, that they are appropriate for our company and that they have in no way limited the effectiveness of our advertising plans. To the contrary, our care in developing and sponsoring Hallmark Hall of Fame programming, together with the consistency we have used in placing commercials on other programs, have served us well. We believe they will continue to do so in the future.

VIOLENCE ON TELEVISION

WEDNESDAY, SEPTEMBER 15, 1993

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
SUBCOMMITTEE ON TELECOMMUNICATIONS AND FINANCE,
Washington, DC.

The subcommittee met, pursuant to notice, at 9:44 a.m., in room 2123, Rayburn House Office Building, Hon. Edward J. Markey (chairman) presiding.

Mr. MARKEY. Good morning and welcome to the Subcommittee on Telecommunications and Finance hearing on the subject of television violence.

The subcommittee is honored and delighted to have testifying before us today the United States Surgeon General, Dr. Jocelyn Elders. Dr. Elders' knowledge and experience in the public health effects of violence, and its impact on minority communities in particular, brings an important perspective to the deliberations of this committee as we consider the issue of televised violence.

The subcommittee would also like to welcome Congressman Ed Towns, who will be here in a second, a member of the full committee, who has a long-standing interest in the issue of television violence and its impact on the minority community.

The violent reality of our children's future can be seen daily on televisions around the world. Violence towards children has reached epidemic proportions in this country, persisting in spite of recent public attention and efforts to counter the trend.

There is abundant evidence of a direct link between the amount of televised violence that children are exposed to and the level of aggressive and violent behavior they display in the short term and over time. Although these statistics may quantify the numbers of people within our country who are affected by violence, they do not always address the issue of which communities are the most affected.

In 1984, the U.S. Attorney General's task force on family violence concluded that the viewing of television violence contributes to the acting out of violence in the home, quote, "the evidence is becoming overwhelming", the study stated, "that just as witnessing violence in the home may contribute to normal adults and children learning and acting out violent behavior, violence on TV and in the movies may contribute to the same result."

The typical American child watches 27 hours of television each week, and some inner city children are exposed to as much as 11 hours of television per day.

Much of the programming children are watching on television contains violence. Dr. Deborah Prothrow-Stith of the Harvard School of Public Health described the effect on children who watch this programming: "I would suggest that as we look at violence as a learned behavior, we also understand that the appetite for violence is learned as well. From their very first cartoon, all the way through to the latest superhero movies, our children learn that violence is funny, is entertaining, is successful, is the hero's first choice, is painless, is guiltless and then we have the audacity to look for remorse among children and teenagers who commit violence. Where would they ever learn that there is remorse associated with violence?"

For as long as there has been concern about the effect of television violence on young viewers, the television industry has assured the public that the amount of violence on television would be reduced. They have promised to take steps to deal with the problem. Unfortunately, the trend has been toward more violence, not less.

The amount of violence has increased and become more realistic while, at the same time, the number of hours that children spend in front of the television set has been growing.

Recent events give reason for both hope and skepticism. When the networks agreed on a joint code last December, hopes were raised. During the "May ratings sweeps" they were dashed by the number and graphic nature of violent programs. When the networks agreed to place advisories on violent shows, hopes were raised again.

The fact that the networks will reportedly place advisors on very few programs this fall raises concerns. Allegedly there are few advisors because there has been a reduction in programming with violence. If we find out that is the case, we will be pleasantly surprised, yet we look at this claim with an arched eyebrow.

Parents need help. I want to give the parents the ability to control their own homes in terms of what programming comes into the family room. I believe the time has come to take a more substantial step to challenge the status quo.

Together with the Ranking Minority Member of this subcommittee, Jack Fields, and other subcommittee members, I have introduced legislation that would give parents the power to block out programs that have been rated as violent by the broadcasters or the cable operator. While we might wish it were otherwise, it is unrealistic in today's world to expect parents to directly supervise every hour of television their children watch.

With two parents working or single parents, it is particularly difficult. Yet these parents are just as concerned about what their children watch on television and need the ability to turn off violent programming even when they are not there to supervise.

Our legislation would require that the parental warnings the industry has agreed to air prior to violent programs be provided to parents electronically as well. This would enable them to block violent programs simply and effectively even if they were not at home. The proposal assures that the First Amendment rights of television producers and programmers are protected, while the rights of par-

ents to protect their children from violent programming are equally protected.

The time has come to give parents the power to stop the explosion of violence that is flooding family rooms across the country. This proposal will not change the fact that it is parents who are responsible for what their children watch, but it will certainly make it easier for them to exercise that responsibility.

We cannot continue to acknowledge the harmful effect of TV violence but remain afraid to address it. While we search for solutions to the many causes of violence in our society, we have the opportunity to address this one important issue.

That concludes the opening statement of the Chair.

Mr. MARKEY. I recognize the gentlelady from the State of Pennsylvania, Ms. Margolies-Mezvinsky.

Ms. MARGOLIES-MEZVINSKY. I would like to welcome you, Dr. Elders, and thank you for your interest in this subject. It is one, as you well know, we are all quite interested in and very anxious to hear what you have to say.

Thank you for coming.

Mr. MARKEY. The gentlelady's time has expired. So we will recognize the Surgeon General of the United States, a tremendous honor for us to have you here before us today. Whenever you feel comfortable, please begin.

STATEMENT OF JOCELYN ELDERS, SURGEON GENERAL, PUBLIC HEALTH SERVICE

Ms. ELDERS. Thank you. Good morning. Mr. Chairman, and members of the House Subcommittee on Telecommunications and Finance, it is a great honor to appear before you today as the United States Surgeon General.

I commend you on your insight in addressing how television violence affects our communities, and especially our children. I appreciate the opportunity to add my professional observations to this forum.

Mr. Chairman, as a pediatric endocrinologist, a 20-year member of a medical school faculty, a former director of the State Department of Health, and as your Surgeon General, I am deeply concerned about this epidemic of violence and deeply committed to preventing it.

Violence in America is a public health issue. When greater than 20,000 citizens die every year because of violence, when more than 2 million people are injured by violent acts, when the cost of violence to our country is almost \$20 billion, then it becomes a public health problem that we must begin to address.

A group of young people at high risk reported in a recent public health survey that violence was so prevalent in their lives that they believe that they would not live to the age of 16. Violence means death for our young people. Homicide is the second leading cause of death for young people between age the 15 and 24 and the leading cause of death for young black males and females.

When we look at these statistics, we find that only 1 in 400 white women will die secondary to homicide, 1 in 200 white males. One in 100 black females, and 1 in 27 black males will die secondary to homicide.

We are very disturbed in the black community that only one out of five of our young black men will ever grow up to earn enough money to support a family. One will be lost to drugs and alcohol. One will be lost to black on black crime or homicide, one will end up in prison. And only one will go to college. That is a major problem.

Too many women in America are victims of violence. In 1990, over 5,000 women were murdered, 6 out of every 10 by someone they knew. This represents only 1 percent of the women that are actually abused. Violence breeds in our ghettos and in poverty where there is no hope for the future. Racism, sexism, drugs and alcohol abuse, high unemployment and lack of educational opportunities, easy access to firearms, frequent exposure to violence all play dominant roles in violence in America.

We look at the prime time schedule of the major networks and find that there are 10 violent episodes per hour on our prime time TV's. In some of our TV shows, there are over 60 violent episodes per hour. And the tragedy is that on our Saturday morning cartoons, just for children, there are 20 to 30 violent episodes per hour.

Every year, 23,000 of our citizens die at the hand of violence. Another 6,000 each day suffer injuries related to violence. And I have mentioned to you the costs associated with violence in 1987 of \$19.9 billion. These are long-term financial costs of medical and mental health treatment. Emergency response, productivity loss, and administration of health insurance.

As a public health professional, I would like to stress the importance of prevention. Successful prevention means 23,000 people most likely still would be alive and contributing to society. Prevention means saving people in society the human suffering and financial costs of caring for those left injured and disabled. Violence is a complex problem which has no simple solution. To protect our children from becoming victims or perpetrators of violence, we must change.

Although we have data that show that violence on television does lead to aggressive behavior of our children and teens who watch the programs, addressing TV violence alone is not enough. We must address some of the other causes.

In my written testimony, I detail some of the ongoing programs in the Department of Health and Human Services which may be of interest on this subject. In the balance of my time, I would like to discuss the important role public health can play on this subject and the positive efforts we can make in partnership with the media to impact this problem.

Public health can put a scientific face on this issue, carefully defining the problem and seeking solutions. The topic of violence has become too politicized and too emotionalized. We need the factual information to make good public policy decisions to stamp out this epidemic. Public health can do that by gathering the data and information on the problem, designing interventions, providing those interventions to communities for use in evaluating their effectiveness.

We know after over 10 years of research that a correlation exists between violence on television and aggressive behavior by children.

We also know that when children watch television, they are frequently watching portrayals of ethnic minorities in aggressive and violent roles. And children without same-sex role models tend to model their behavior after the superheros they watch on television.

Public health can shift the focus from one which is now limited to only helping the victims of violence and charging perpetrators of violence in our criminal justice system to one which includes preventing violence before it occurs.

To continue to build more prison cells is a very expensive response to violence in America. The average cost of keeping one citizen in prison for 1 year in our country is now \$35,600. For many victims of violence, incarceration of the perpetrator is too little and too late. It does not stop the next stray bullet in our school yard.

To prevent violence from occurring, we must prevent violent behavior. This means starting early with our children. Violence prevention must become part of early childhood education, which I strongly support for all of our children. Less than 5 percent of our schools have a comprehensive health education program from kindergarten through 12th grade.

It should be a part of all of parenting education. We must teach our children how to respond in nonviolent means. Public health can mobilize a broad array of existing resources in medicine, mental health, social services, education, and substance abuse prevention to attack injuries and death in violence. Violence does not occur in a vacuum. We need to build on existing programs which are already addressing many of the root causes.

I believe that public health needs to form a partnership with local communities. If we are the scientists, local communities must be our laboratories. To be successful with any public health strategy, we must have the involvement of local communities. A strategy to end violence must be designed to reflect the community environment. To foster that kind of partnership, the Public Health Service must continue to work closely with States to try to get things done that we need done.

In your deliberation on the impact media violence has on behavior, I hope that you will not forget the critically important roles the media can play in education and prevention. As your Surgeon General, I want to work with you and the media to do the following:

First, to shift violence into the paradigm of prevention, from a focus limited to helping victims of violence and charging perpetrators of violence to one which includes preventing violence before it occurs. We must educate our communities, we must let our people know that violence is a preventable problem. We must give help to individual communities to inform them of the things that work to prevent violence. We must mobilize individuals and organizations.

We have got to turn this negative into a positive with the help of the media. You have already heard from Representative Markey that each week our young children watch an average of 28 hours per week on television. We have allowed television to be our babysitters. We have got to make television help us to do the things we need to do.

There is no easy solution. As a public health official, I know that before you can begin to address a problem, you have to convince the masses that the problem exists. What better role for the media

to play than to be able to motivate the masses towards solving the problems related to violence rather than being a major contributor?

The media can help by educating and empowering our young children with early childhood education to do the things they know how to do. They can help to educate parents. They can help to educate communities. They can help to educate churches. They know how to develop and design programs and policies that are against violence.

We need their help to get that done. They are some of the best informants in the business. We have got to use that strategy to help inform our people to do the things they need to do. We need their tools. They have got to be not just concerned, we want them to be committed to this problem. We want them to give their time. We need them to give their talent. We need them to give their treasures to try and reduce violence, especially in our poorer minority communities.

We know they were aware of the problem. We need to have them be advocates for this problem. And we need them to help us develop the kind of action plan that we need to save the most valuable resource we will ever have, our children.

I would like to close with an old Greek saying that I use a lot and it goes: A society grows great when old men plant trees under whose shade they know they will never sit. We need the mass media community to help us plant some trees so that all of our bright young children and many of our poor and minority communities will have some shade to sit under for the 21st Century.

Thank you.

[The prepared statement of Dr. Elders follows:]

STATEMENT OF

M. JOYCELYN ELDERS, M.D.
SURGEON GENERAL
U.S. PUBLIC HEALTH SERVICE

Mr. Chairman, Representative Fields (ranking minority leader), and members of the House Subcommittee on Telecommunications and Finance, it is a great honor to appear before you today as the United States Surgeon General. I commend you on your insight in addressing how television violence affects our communities and especially our children. I appreciate the opportunity to add my professional observations to this forum.

I attended medical school on the G.I. Bill and am now a board certified pediatric endocrinologist. For over twenty years, I have been on the faculty in the Department of Pediatrics at the University of Arkansas School of Medicine. For the past five and a half years, I served as the Director of the Arkansas Department of Health. As a result of my background, education, training, and experience, I have become a strong advocate for programs that will strengthen families, reduce risky behaviors, improve health and enable children to become healthy, educated, motivated and to have hope for the future.

You have asked me to talk about the effects of violence in the media on our communities and children. I am here today to tell you that violence in America is a critical public health issue, deeply embedded in our society that requires the sustained effort of not just the public health community, but also criminal justice, education, housing, community and religious institutions -- in short, all of us committed to giving our children a safe and hopeful future.

Mr. Chairman, as your Surgeon General, I am deeply concerned about this epidemic of violence -- and deeply committed to preventing it. Violence breeds in every community, large and small -- and especially in pockets of poverty where residents believe there is little hope for the future.

To understand the effect of media violence on our children, we must look at how it fits into that larger picture of violence in our society. Violence is a very complex problem for which there are no simple solutions. The prominence of violence in the movies, on TV, and in the news should make us all realize how central a place violence has come to occupy in our society. The media mirrors our culture, and we need to take a hard look into that mirror.

Our culture tends to glorify violence. Courageous alternatives, such as talking things out and peacefully resolving conflicts, are considered cowardly. We need to look carefully at our culture to see the many places where these misguided values are set and conveyed, and we need to think hard about the many ways we can go about changing these norms and values. There is no one cause for violence; therefore, there will be no easy or simple solution.

Every year, over 23,000 U.S. citizens die by violent acts, an average of 63 people a day. Another 6,000 people each day suffer injuries related to violence. In 1987, America spent an estimated \$19.9 billion on long-term medical and mental health treatment, emergency response, productivity losses and administration of health insurance and disability payments for injuries from violent assaults. Successful prevention means that many of these 23,000 people would be alive and contributing to society. Prevention means saving people and society the human suffering and financial cost of caring for the injured and the resulting disabled.

One of the factors that makes these numbers so devastating is the youth of the victims and the perpetrators. A group of young people reported in a recent

PHS survey that violence was so prevalent in their lives, they believed they would not live to age 16. Homicide is the second leading cause of death for those ages 15 through 24. Violence has a disproportionately greater impact on racial and ethnic minorities. In fact, it is the leading cause of death for African American males and females ages 15 through 24. Women are frequent victims of both physical and sexual assault -- many of which are fatal. In 1990, 5,316 women were murdered--six out of every ten by someone they knew.

To protect our children, there are many things we must change. Addressing TV violence alone is not enough. We must address these "root causes."

What can public health offer in the nation's effort to stop the epidemic of violence? First, public health can provide a scientific basis for defining the problem and finding solutions. The topic of violence in our nation is a very emotional one. It has all the elements of human drama--the death of children, the glamour of the media, the right to bear arms. These issues have placed the debate in an emotional and political framework. We need good, factual information to make good decisions about public policy and individual and societal choices. And the public health community can do that by gathering the data and appropriate information on all aspects of the problem, including who is affected and what puts people at risk. Public health also has experience with designing interventions that address the multiple facets of the problem, and we are helping communities put these interventions in place and evaluate their effectiveness.

Let me take a moment to summarize the data we have on media violence. Television has become an integral part of American society with at least one television set in 99 percent of American households (two in 66 percent). The average American child at the time of graduation from high school has spent more time watching TV -- 15,000 hours -- than in school -- 11,000 hours. By age 18, the average American child has witnessed approximately 250,000 acts of violence on TV and/or in films.

American youths identify with media characters and superheroes, especially if a same-sex role model is absent in their own life. These young people consequently model their own behavior after these fictional personalities. Research has shown that boys and men who are poor, urban and who have witnessed or been victimized by violence in their families are more at risk for this kind of behavior modeling.

Given the universality of television and the extent of time involved in watching, there has been considerable concern about the effects, bad and good, of television. For more than two decades, research on the effects of television violence has been a subject for careful review and assessment by panels of behavioral scientists:

- o In 1972, the Surgeon General's Scientific Advisory Committee on Television and Social Behavior found "a preliminary and tentative indication of a causal relation between viewing violence on television and aggressive behavior; an indication that any such causal relation operates only on some children (who are predisposed to be aggressive); and an indication that it operates only in some environmental contexts."

The committee also observed that "(t)he sheer amount of televis... violence may be unimportant compared with such subtle matters as what the medium says about it: is it approved or disapproved, committed by sympathetic or unsympathetic characters, shown to be effective or not, punished or unpunished."

- o In 1982, the National Institute of Mental Health conducted a review of the decade of extensive research (some 2500 titles) that followed the Surgeon General's report. The most relevant section of the NIMH report is as follows:

After 10 more years of research, the consensus ... is that violence on television does lead to aggressive behavior by children and teenagers who watch the programs. This conclusion is based on laboratory experiments and on field studies. Not all children become aggressive, of course, but the correlations between violence and aggression are positive. In magnitude, television violence is as strongly correlated with aggressive behavior as any other behavioral variation that has been measured. The research question has moved from asking whether or not there is an effect to seeking explanations for the effect.

The NIMH report also noted the potential of and evidence for television to affect health practices, cognitive and emotional functioning, imagination, creativity, prosocial behavior, and socialization. Television, thus, can be a notable influence for good as well as bad.

- o In 1992, the American Psychological Association published Big World, Small Screen, a report of a committee of psychologists that provides a second substantive update of the literature on television effects. With benefit of ever increasing research on the effects of violence, the APA report observes:

The accumulated research clearly demonstrates a correlation between viewing violence and aggressive behavior -- that is, heavy viewers behave more aggressively than light viewers. Children and adults who watch a large number of aggressive programs also tend to hold attitudes and values that favor the use of aggression to resolve conflict --- these correlations are solid. They remain even when many other potential influences on viewing and aggression are controlled, including education level, social class, aggressive attitudes, parental behavior, and sex-role identity.

To sum up, the weight of the scientific evidence is that there is reason for concern about the effects of media violence.

Now let me return to the role of public health in stopping violence. In public health, we focus on primary prevention -- programs and policies that are designed to prevent violent behaviors, injuries, and deaths from occurring in the first place. Until recently, most of our nation's response to violence has been to apprehend, arrest, adjudicate, and incarcerate violent offenders through the criminal justice system. Too many today believe this response is too little, too late. It is an expensive solution. By itself, it will not prevent the spread of violence in America.

Although we have a great deal to learn about how to prevent violence, we do know that violent behaviors, and the injuries and deaths that result, can be prevented. Even those in the criminal justice system -- the police, the judges, the probation officers and others -- are saying the same thing. We cannot continue to wait until violence occurs to rehabilitate the offender. We must stop the violent behavior before it starts. For example, we know that when nurse home visitors meet with expectant parents, they can counsel them and discuss parenting skills with the end result of decreasing the incidence of child abuse and preventing some of the violence that might otherwise be

perpetrated by youth abused as children.

This means public health, justice and other social systems working together. The Department is seeking ways to collaborate with other Cabinet agencies -- particularly the Departments of Justice, Education, and Housing and Urban Development -- to find more meaningful and effective ways of confronting this problem on a larger scale.

Public health can mobilize a broad array of existing resources in medicine, mental health, social services, education, and substance abuse prevention to attack injuries and death from youth violence. But, most importantly, the best resource in preventing violence is the community itself. Public health works in partnership with communities to design programs that fit their unique problems and culture. The success of any program is likely to reflect the community environment and the ownership of the program by the community.

I am now pleased to tell you about the programs we already have in place in the Public Health Service for addressing this problem, as well as our plans for future activities in this area.

The PHS has worked and will continue to work closely with State and local health departments, as well as non-governmental organizations from the community to the national level. For example, we have supported the campaign of the American Medical Association to help physicians across the country identify, treat, and refer patients involved in family violence. The President-elect of the AMA, Dr. Robert McAfee, has testified before your subcommittee already; we share his concerns in this area and plan to work closely with him. PHS is also coordinating its efforts with other parts of the Department, including the Administration on Children and Families.

Regarding PHS-specific efforts, since the early 1980s, our Centers for Disease Control and Prevention (CDC) has led PHS violence prevention activities. In addition to this leadership role, CDC sponsors and funds violence prevention programs. CDC conducts and funds epidemiological studies of violence, collects trend data, researches the risk factors associated with violence, supports community demonstrations of interventions (such as conflict resolution, school based educational curricula, mentoring), and funds evaluations of interventions and training.

Other PHS agencies also make important contributions to the Department's violence prevention goals. Programs of the Substance Abuse and Mental Health Services Administration (SAMHSA) work to prevent and treat two significant co-factors of violence, substance abuse and mental illness. The Office of Minority Health (OMH) funds grants for coalition building and other community-based activities, including violence prevention, targeted at minority males. The Maternal and Child Health Bureau (MCHB) of the Health Resources and Services Administration (HRSA) supports demonstrations to evaluate methods of reducing violence among children and youth, child abuse, and dating violence.

The President's FY 94 budget includes proposals for new violence prevention projects in two PHS agencies:

- A \$10 million increase for CDC for an initiative to prevent violence against women.
- A \$5 million increase for the Center for Substance Abuse Prevention, part of SAMHSA, to target substance abuse prevention to youth at high risk for violent or anti-social behavior.

I hope that this brief overview of the problem of violence in our country helps you place the issue of violence in the media in perspective with all the other issues related to violence prevention. In your deliberations on the impact of media violence on violent behavior, I hope you will not forget the critically important role of media in preventing violence. Recent successes with public health information and education campaigns for smoking reduction, cardiovascular disease reduction, and AIDS prevention suggest that similar efforts can be important parts of the public health approach to violence prevention. With violence prevention, it is clear: children learn from watching television, and what they learn depends on what they watch. The programs they see on television change their behavior. If they look at violent or aggressive programs, they tend to become more aggressive and disobedient. But if they look at prosocial programs, they will more likely become more generous, friendly, and self-controlled.

Violence prevention messages can be included in public service announcements and information programs, in entertainment programs, and in news features. To achieve the same success as has been achieved with anti-smoking efforts for example, public health information campaigns for violence prevention need to formulate precise objectives, identify target audiences, carefully develop culturally competent messages, and then measure the impact of these marketing efforts.

We hope to work with the media to do the following:

- First, help to shift the violence prevention paradigm from a focus now limited to only helping victims of violence and changing perpetrators of violence, to one that includes preventing violence before it ever occurs.
- Second, make people aware of the magnitude and characteristics of the problem of violence today by describing the many forms violence takes across the span of life: child abuse, child sexual abuse, youth violence, gang violence, hate crimes, domestic violence, sexual assault, elder abuse.
- Third, let people know that violence is a preventable problem and that, as parents and citizens, we all share in the responsibility to change it.
- Fourth, give hope to individuals and communities, informing them that there are things that work to prevent violence, there are things that people and communities can do to prevent it.
- Fifth, mobilize individuals, organizations, and communities to act.
- Sixth, provide information about what works and how to conduct effective prevention programs.

We also need to look at how news media portrays violence, and how they could better promote understanding of the impact, causes, and solutions. Media could promote better understanding among diverse groups, family members, and racial/ethnic minorities. And TV can publicize those community resources that are available (e.g. boys and girls clubs).

Parents and teachers must help children put violence in the media in perspective. Today, the average child ages 2-11 watches 28 hours of TV each week! We must realize the extent to which we have abandoned our children to TV. We need to reclaim them, we need to spend time with them, do things with them and teach them the values we think they need to have. In those communities where traditional family and community structures have broken down, we need to rebuild them.

It will take the strengths and positive values of our communities to turn this problem around. We must make our homes, our communities, and our nation safer. As a public health official, I have learned that, before you can increase resources to treat a problem, you must convince the masses that a problem exists. In this case, the best treatment is prevention. Prevention must start early, with our children.

I welcome the opportunity to work with you to increase awareness that violence is a public health problem. Together, I hope we will be successful in making our streets and our homes safe again.

Mr. MARKEY. Thank you very much for that very eloquent statement. We have been joined by Congressman Ed Towns from the State of New York who requested that we have this hearing and who has been leader on all of these issues.

I would like at this time to recognize the gentleman from New York, Mr. Towns, for whatever statement he would like to make.

Mr. TOWNS. Thank you very much, Mr. Chairman. I would like to ask for permission to include my statement in the record and just—

Mr. MARKEY. Without objection.

Mr. TOWNS. And just to comment that I think, first of all, Dr. Elders that I really appreciate your taking the time in coming to share with us. And I think, as you indicated, it is a very important issue. I think that if we could some way or another convince the powers that be that the emphasis that we are placing on this might be in the wrong direction.

The fact that when I look at the statics that in terms of the age from 15 to 24, 48 percent of them are in our—make up our prison population, so it seems that somewhere along the line that we need to redirect some of our resources.

And then when I look at early childhood education which we are struggling to try to get funded fully and for some reason or another we can't communicate that, it seems to me that where we might be doing some things that we need to take a very serious look at them.

For instance, if the troops of the Army that we are fighting the war that we are fighting, if the troops are coming across the George Washington Bridge, we do not send our men to the Triborough Bridge or women to the Triborough Bridge. We send them to where the war is. And I think that is the thing we need to focus on.

I am happy for you to come this morning and also you, Mr. Chairman, to take the time to begin to take a look at this very serious issue of violence, because I think if we don't, that we are going to find that more of our children will begin to think that it is all right to be involved in violent behavior because they see it on TV.

Let me just say this, too, at the risk of—sometimes I think some of them are so young and their minds are so delicate that I think they might even have some problems even dealing with reality on television because they see a person get killed on one episode and the next week he has got a big role on the another episode.

I think they might be confused in terms of their actions out in the street. Maybe they think that some of these folks they are killing will be able to live 2 weeks from now.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Towns follows:]

STATEMENT OF HON. EDOLPHUS TOWNS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. Chairman, I want to take this opportunity to thank you for raising the critical issue of television violence and its impact on minority populations, particularly African American youth. And I am especially happy to have Surgeon General, Dr. Jocelyn Elders appearing before the subcommittee to provide her perspective on this issue and how we as a society can combat and intervene in the violent behaviors consuming our Nation.

As a member of the full Committee of Energy and Commerce, as a parent, and grandparent, and most importantly, as an African American male, I am very concerned about the type and quantity of violent images and behaviors shown on television. It is important to state that there are two aspects to this issue that are most troubling to me. First and foremost I am concerned about the type of violence that is an all too common occurrence that victimizes minority populations, especially African Americans, usually at the hands of other African Americans and portrayed on television. Second, I am concerned about a different, insidious type of violence that occurs on television, which is, the negative and stereotypical depictions of African Americans.

There is no doubt that potential violence poses a real threat to every American in these very troubling times. For many persons, especially our children, their escape from certain realities is achieved by watching television. Unfortunately, the message they receive all too often is that violent behavior is an acceptable response to resolving conflict, and that in many respects it is a macho thing to do. It is this point that makes our discussion of this issue vitally important. As a Nation, and within the Black community, we are seeing the equivalent of a "plague of violence", sometimes random, many times calculated, and always harmful (psychologically and physically) being played out. The implications of this reality pose a moral, economic and public health policy dilemma for all of us.

As it relates to television. It is important for me to state that I am very sensitive to the First Amendment freedoms and television broadcasts are deserving of the protections afforded under the First Amendment. However, we must do all that we can to encourage the networks to incorporate programming that accurately depicts violence, while not glamorizing this destructive behavior such that Black children want to emulate it. Statistics show that television plays a profound influence in the lives of all Americans, and especially African American children. Our children watch more television than other populations, and they are victimized by violence much more frequently than other populations.

The following statistics are chilling. the average child watches 2-3 hours of television per day. And they will have watched 8,000 murders and 100,000 acts of violence on television by the end of elementary school. For Black youth, homicide is the leading cause of death for black males ages 15-24; Black males comprise 47.4 percent of the prison populations and only 3 percent of university enrollments. One does not have to be a rocket scientist to determine that if you view TV violence on a constant basis, and if you are likely to experience it as a reality in your life, then the potential is great for you to be swept up in the societal tidal wave and undertow of violence and succumb to violent behavior. What can television do about this public health phenomena. A few simple things.

The networks must listen to the opinions of its television viewers, especially children, and provide them with programming that satisfies their needs to be entertained, but not at the expense of exciting passions that will subconsciously, and consciously encourage them to commit unnecessary violent acts. Believe me, this is doable. The ABC-TV network demonstrated that they were mindful of the need to provide quality family entertainment that fairly represented a segment of Black family life devoid of violence. The network was cajoled by the CBC to preserve a program called "Where I Live", that has a number of redeeming elements in its depictions and story lines. In fact, the show was preserved and other positive shows were put on the air for the current fall season. And other initiatives were undertaken to put in parental advisories and incorporate programming modifications. These are a few tools that can be applied. But I think it is also important to talk about the depictions of minorities, which constitute a type of artistic and psychological violence that victimizes African Americans and our society as a whole.

The artistic and psychological violence I am talking about relates to how minorities are portrayed on the television medium. As a trained social worker I believe that certain behaviors are learned, personal conditions can always be changed for the better. In the case of African American depictions, more often than not, the TV character images portrayed are not necessarily positive, such that Black children would want to emulate the on-screen characters. In many instances, dramas portray African Americans as primarily perpetrators or victims of violence. If that is not the case, Black actors are the vehicles to elicit funny responses.

It is very important that African Americans be represented by Hollywood in a fair, representative and honorable fashion. We span the spectrum of experiences as a people, good and bad, just like other nationalities. Unfortunately, most television writers, directors and producers are still caught in character time wars about how to develop and depict quality characters for African Americans. As a result, what we wind up with in terms of the behavior of our children is a self-fulfilling prophecy of negative, stereotypical, usually violent behavior, acted out by our youth. Instead

of opting for honorable professions such as a sanitation worker like "Roc" played by Charles Dutton, or a cab driver played by Sullivan Walker on "Where I Live", that do not encourage or condone the use of violent behavior, many young people opt for the glamorous lifestyles of the rich and famous that often utilize violent behavior to achieve their ends. That lifestyle is usually obtained for them through illicit types of behavior. The benefits usually include some material and social prestige in different segments of the Black community. And that is why the networks must work hard to develop more wholesome and representative images of African Americans.

In conclusion, I recognize that television has a profound affect on the attitudes and behavior of children, especially Black children as it relates to acting out violent behavior. And I believe that violence is a phenomena that threatens the moral fabric of our Nation, and in particular the African American community. Television can play a vital role in eliminating and defusing some of the behaviors that children are emulating. At the same time, I believe the networks have an obligation to provide fair and accurate depictions of African Americans, because otherwise they will be contributing to a process of benign racism that relegates African Americans to behaviors and characters that have very little redeeming value. If for example violent oriented programming is reduced, and minority executive producers, directors and writers are utilized, then I am sure we will see a different type of television, and more importantly, a different type of behavior. Thank you, Mr. Chairman.

Mr. MARKEY. We recognize the gentle lady from Pennsylvania for questions now.

Ms. MARGOLIES-MEZVINSKY. Let me just ask you, one of the things that always kind of puzzles me is how we go about this. We have been talking about violence on television for quite a while now. One of the things that we seem to feel, I think here, and we have talked about it quite a bit, is that perhaps we should go after the advertisers, perhaps we should start there as opposed to starting with the television stations which, for reasons that we all understand, are more interested in the bottom line, and that is the way our society seems to work.

What would your suggestion be with regard to direction, with regard to the conversation, with regard to advertisers?

Ms. ELDERS. I obviously don't know exactly how to answer your question, but we know that the real power in television is probably concentrated in about 100 people in these United States. I mean those are the real—and I think that we need—you know, we have to do it one by one. But we need to go after the real power brokers to make change.

I certainly think that we can use the advertisers but that, to me, would probably be a rather slow process. But that certainly is a way we can censor the violence to make sure, as you are doing with your act, to make sure that children can't see certain programs, you know, and ratings, but then you are dealing with who rates them.

And we wouldn't have much TV if I had to rate them, because of the number of acts of violence because everything would be blocked out. So I feel that we have to use all of the resources.

I am one of those people who really find that it is very difficult to use just one thing. You have to use multiple strategies in order to do this. And I do feel we need to go after the advertisers, but I really—somehow we have got to find out who the major power broker is, really get that person in a room and start—really have somebody take some real leadership if we are going to begin to make these moves.

So how we do it, I am not sure I know, but I plan to find out.

I would like to tell you a little story about a small affiliate in Arkansas that really took a real leap to talk about teenage pregnancy

in Arkansas when I first became health director. And I want you to know that they spent a lot of hours really talking about teenage pregnancy and the problem and they gave all of their Public Service Announcements for 1 entire year.

And the people in Arkansas, I told somebody, you just go down the street and ask anybody in Arkansas what is the major health problem in the State of Arkansas and they immediately say teenage pregnancy. But I am not sure we in public health and maybe of us know how to produce the kinds of things that appeal to, you know, different age groups.

We have got to have the strategy for social marketing. They know how. The TV mass media industry know how. They know very well. They target our children and they target certain—certain groups, so there is no question that they know how.

We have got to find out how to make them use that talent to begin to help solve some of the major problems that we are seeing every day in our schools, in our streets, in our children.

Ms. MARGOLIES-MEZVINSKY. Would you take us through the percentage that we are going to see and what the growth you think will be with regard to how violence is affecting our health care system?

Ms. ELDERS. If we look at kind of the major causes, I think earlier I cited just injuries secondary to violence was costing us over \$20 billion. That severe violence that increased in Washington, D.C., as I remember seeing something in the past 3 or 4 years, 1,000—1,800 percent. So it is markedly increasing and it its disproportionately affecting our young.

The children that are involved are getting younger than they used to be. We know the children that are poor are disproportionately affected. And it would certainly appear that minority children are disproportionately affected, but I think it is really more related to socioeconomic conditions.

Poor children are disproportionately affected because it is poor children whose parents are at work where the TV becomes the baby-sitter from the time they are born and they are exposed, I saw, to almost 200,000 different acts of violence before they are 18 years of age. So that obviously has a very serious effect on our children and on our health care system.

Ms. MARGOLIES-MEZVINSKY. We, I think, know as you just said that violence does become emotionally hereditary. Have you encountered any specific programs that fit in with the larger picture, that fit in with not only working with violence in the home but also put in that as a component violence on television?

Ms. ELDERS. I have not worked with any specific programs myself. I know that there are several programs that the Public Health Service through CDC has in place and that they are working with. I do not know the details of those programs.

There are some people here that have worked with some of those programs and know about them that are out in the States, but I think we all know we do not have a good effective program for our whole country and we have problems all over our country and that is what we have got to begin to address and think about.

Ms. MARGOLIES-MEZVINSKY. Thank you.

Mr. MARKEY. The gentleman from New York, Mr. Towns?

Mr. TOWNS. Thank you very much, Mr. Chairman. Again, let me say that I really appreciate you having this hearing because I think it is very, very important that we try and see what we can do in terms of finding solutions to the problem.

Dr. Elders, are you suggesting that maybe we have a summit of some sort where we would bring in law enforcement, bring in educators, and bring in community types and leaders and have a discussion with the power brokers in terms of the media and et cetera to see in terms of what kind of things we might be able to do to turn this around and to move in another direction?

Ms. ELDERS. I think that a summit would be a good thing and something—a place to start. However, we—as your Surgeon General, and we over at Public Health are already meeting, you know, with the Department of Justice, the Department of Education, the children and families, and Education and all the different public health agencies.

But we need more than just the public health agencies. We need our business leaders. We need our schools. We need our communities. We have got to deal and start with this problem one community at a time, one community at a time making the commitment to reinforce this all the time. I am always saying we have got to involve our churches and many people, you know.

Well, some say there is a separation of church and state in government. But I want you to know that churches have the network and I have been trying to challenge those churches to use that network to do something for our children.

You know, even if they have after school programs, most of our children, especially our poor children have nothing—well, they should be studying but we know many of them don't, but they come home and watch all of the violence and all the portrayals.

TV has become the educator of our children. Our children spend more time watching TV than they spend in school, and I feel that our television has to begin to take responsibility for some of these problems. They can't be a part of helping to create the problem and do nothing to try to solve it.

Mr. TOWNS. I agree with you. I think that we just need to find a way to sort of begin to move on this, and I think that maybe a pilot program in an area where there has been a lot of problems to try to sort of point out that this is something that needs to be done, and if it is done, then how we can begin to change things.

Let's face it, our prisons, you know, in every area of the country is just busting at the seams. And I think we just can't continue to dump people in there, and I think that we are losing some very valuable folks and some great minds.

And, of course, people are saying today that they do not want their children to go to school because of the violence in the schools. Even in the district where I represent back in New York that in the school, in the hall, with the Mayor on his way to the school and with the Police Department and everybody outside the school, a kid shoots two youngsters and killed them in the school.

So I think that when you look at this kind of thing, that, you know, we need to do something different. I think that your suggestion in terms of looking at our resources in terms of what we are spending, it is very, very important.

And I am one that is very sensitive to the First Amendment and I recognize that, but at the same time, I think that here we have to take some action and that if the power brokers are not going to look at this and move aggressively, then I think that, legislatively, we have to do everything that we can, but I think that we will accomplish a lot more if there is cooperation.

I am really happy to hear in terms of your interest in your commitment to be involved in this process, because I think that would make a major difference. So I want to let you know that on this side, that I am anxious and willing to work with you to be able to try and protect our young people from violence.

The last thing I want in terms of a question, you know, when we look at early childhood and how difficult it is to get resources into it because, what do we do to begin to dramatize the importance, because I think everyone agrees that is something that has worked and that how do we sort of get folks to begin to focus on that.

If we are able to put money there, then we would be able to save money—if we put it on the front end, we will be able to save it on the back end.

How do we convince folks because we are so shortsighted, because every time you talk about any kind of increase of anything, everybody goes crazy. But at the same time, we end up spending it in other places.

Ms. ELDERS. You are absolutely correct. We all know that prevention is far cheaper. We know that the children who have early childhood education do far better. They are far more likely to go to college. They are far less likely to go to jail. They are far more likely to not require Aid for Families with Dependent Children. We know that.

We all feel there is not a person in this room who would not stand up and say Head Start is a good program. But 26 years later, my children are still suffering and only 18 percent of the children—of the poor children in this country get Head Start. The children on medicaid are the poorest of the poor, only 18 percent. These are the children that most need it.

The mothers—they may not have transportation. They can't get there. They are not located in poor communities or they are not located, sometimes, in inner cities. We have got to fully fund Head Start if we want to make a difference.

I have fought for comprehensive health education programs in schools. If we can't teach children how to be healthy—I am always saying we have got to teach them reading, writing and 'rithmetic. I want you to know you can't teach reading, writing and 'rithmetic to somebody who is not physically, emotionally, and psychologically fit.

So we have got to start early and we have got to teach our children how to be healthy. We can't reform health care—what we are reforming is a sick care system. We have got to prevent injuries and disease. That is what we have got to be about.

And we have not fully funded the programs that can make these kinds of differences and save billions in the end. I know the President is very committed to prevention, but we have got to put money into prevention and when the budget gets cut, it is always the prevention programs that seem to go out the window.

Mr. TOWNS. Thank you very much, Dr. Elders. I must admit I am encouraged by your voice. I think that will make a major difference in terms of getting things on the right track, so I look forward to working with you.

I yield back, Mr. Chairman.

Mr. MARKEY. Thank you very much.

Dr. Elders, the networks promised in June that they would put ratings on programs for this fall season that would give parents some way to know which of the programs had excessive violence in it. In their wisdom, the networks combined have been able to find only one program that they believe should in fact have a warning for parents.

Can you comment on that?

Ms. ELDERS. Well, I think we all know that the networks obviously did not do what they said they were going to do. I do not believe that if we would get all of the experts or the experts that the TV stations or major media networks would use to do the ratings, they seriously do the rating, there is no question that they would find more than one program to put on that they felt was aggressive violence.

If we have them use the rating scale, "if it was your 3-year-old, your 5-year-old, your 9-year-old, is this the program that you would want them to see?" If we have them use that scale, I suspect that we would find more than one program on TV that would have violence rating.

So we might need to ask them to go back and make sure that they understood what they said they were going to do. Ask them, do they really feel that there is only one program where there is excessive violence. And if we said, Well, if this is how you feel, well maybe we can't trust you to do the rating if you only found one.

I think that probably they just did not take their task seriously. I feel that they know how to do it better and I feel that they will do it better if we insist.

Mr. MARKEY. If we insist. You know, earlier in answer to Representative Towns' question, you made a point about how important it is to involve the churches and the community in dealing with this question of violence.

How would you compare the influence of television in terms of the progress that can be made in helping to deal with this question of violence in the society and the culture that has been created?

Ms. ELDERS. Well, I think that the churches can be very influential in their local communities if they would and if we ask them to help and ask them what they were looking for. You see that they can go to the local TV power brokers, tell them of their concerns, and I do feel that they can make a tremendous difference.

The churches have a superb network that is already in place and I certainly think that we in public health have not used that network.

Mr. MARKEY. You have spoken over the years about the change in the composition of the American family, that it is not Ozzie & Harriet/Father Knows Best any longer, that there are many families with only a single parent or there are families that have both spouses working and yet the television set sits there at home for 6½ hours on average every day in every home in America.

How much of an influence can that have upon a young mind if for 6½ hours a day the television set is on and yet the family structure has changed over the last 30 or 40 years with no substitute there to provide for guidance?

Can you just give us a sense of how important in your mind that is in the overall change in the culture in the last 30 or 40 years.

Ms. ELDERS. There is no question that the television is extremely powerful in influencing young people. We all know it is a powerful even in influencing us. If we hear the news, just as the children look at all of these violent acts that are going on, I think the data certainly suggests that it increases the aggressive behaviors of many of these children.

Many things are done that many of the children would probably never think of doing without this, if we had our children engaged in doing other things, other than sitting and watching the television. It is hard, sometimes, to get numbers, absolute numbers to say, this many or to say that many because it is so subtle and it runs through our entire community.

If we look at the time from when television began in the 1950's to now, we know that violence, the amount of violence plus the severity of the violence has drastically increased, but so many other things in our society has increased, too, you know, it is hard to know the exact impact.

But even when we take out poverty and take out education and take out all of the factors that we feel could influence this, we still find that television has a major effect on the behaviors of our children, and we use it for so many other things. I feel we need to push TV, and let's use it for positively to help our children. They owe that to this country.

Mr. MARKEY. The concern which I think many of us on the committee have is that even though the broadcasters have agreed to rate these programs, even though we have ended a 40-year debate over whether or not there is some connection between violence on television and the effect it has on society, much like the debate ended over whether there is a link between smoking and cancer—it took us 40 years on this other issue—they still haven't taken all of the steps which are necessary.

One of the formulas which we are looking at here is based upon another interesting public health issue that we dealt with back in 1990, which is that the deaf and hard of hearing community came to this subcommittee and they told us there were 20 million Americans who, because they were deaf or hard of hearing, could not sit in the living room and watch television effectively with their families because they could not hear what was on the screen.

And they requested us to mandate that every television set in America have the built-in chip that would allow just for the press of a single button for closed-captioning to come across the bottom of the screen. Now, interestingly, although the industry protested vigorously and said it would cost \$20 to \$25 or \$30, it wound up costing between \$3 and \$5 all together.

One of the interesting positive invocations of the law of unintended consequences is that not only does it now help the 20 million Americans who are deaf or hard of hearing, but it turns out to be a wonderful thing for all the immigrants in America and their

children, they can sit there now and watch this printed English go across the bottom of the screen and it turns out that they are the ones who are purchasing these sets more than any other part of the community, something we did not in fact quite anticipate to the extent to which it occurred.

Well, on the chip itself, they have built the capacity to have other information be included. So in addition to sending this printed closed-captions, the networks can send the violent rating, if they would. But they won't.

So we want to mandate that every television set made in America have this V built on to the chip so the parent can buy remote control for the day, for the week for whatever period of time, just push a button, and know that when they are not there, their 5-year-old, their 8-year-old cannot watch. If they come home and the parent wants to unlock it, they can unlock it.

What would be your feeling about an approach like that, to give the parents the ability when they are not at home to control what is on that screen and the impacts going into the children's mind.

Ms. ELDERS. One of the things, if the rating is based on what the industry has done so far, it would be kind of an expensive devise for nothing.

Mr. MARKEY. For one program.

Ms. ELDERS. For one program. So it really would not be of much real value unless we get true, honest ratings and, of course, we all know that what—obviously, that it is apparent that what is violent to some us is not violent to others.

So, again, whereas we all have problems with denying things, I feel that this would give parents who were not home to choose what their children watched an opportunity to choose what their children watch. But perhaps it would really serve the purpose for which it was intended, if we had a better ratings system than we have now.

I think we know that many of these programs, the social issues, we know that television influences many of our thinking, certainly the thinking of our children. So if it can influence how we think about—make us go out and buy cokes or beer or wine, or all of those other things, why is it that television feels it would not influence how we feel about violence.

So I feel that we have either got to redo how we do the portrayals and make them look at them in a more positive way. Also, viewers need to understand that it really hurts where you get shot or that when you are killed, you don't get up and walk away, and that you really do bleed which really does not happen in many of our programs that we have today.

Mr. MARKEY. Well, the thought is that if we mandated it, and rather than costing \$3 to \$5 now since the chip is already in the set any new chips would just have to have engraved a V on it—we are talking now maybe 20 cents a set, that once all parents had this capacity now you are creating a very tense relationship between millions of parents in America who now have this technology in their hand. Pressure on the advertisers becomes greater, pressure on the broadcasters becomes greater because it is no longer a theoretical benefit to have proper warnings, but a real one that is in the parents' hand. They want this remote control, and those

that want the violence to come in or don't care, that is their choice as well, then you don't have to use the technology.

So we agree with you that, right now, if you took the networks' warnings, all you have to do is know to turn off NYPD Blue on Tuesday nights or whenever it runs and you have covered all the programs that could have a detrimental effect on your 6-year-old, there is actually nothing else on TV that needs any warning. We have clearly entered a new era, but it is with a baby step at this point.

Would the gentleman from California, Mr. Moorhead, like to be recognized.

MR. MOORHEAD. Mr. Chairman, I did have a unanimous request and that is the statement of the Honorable Jack Fields be placed in the record.

MR. MARKEY. Without objection.

[The prepared statement of Mr. Fields follows:]

STATEMENT OF HON. JACK FIELDS

Today, this subcommittee continues its series of oversight hearings on the issue of TV violence.

Over the last several months, this subcommittee has heard alarming testimony about the incidence of violence on television and its impact on children. This subcommittee has heard from members of the scientific and medical communities as well as the creators and sponsors of television and cable programming.

In response to these hearings, Chairman Markey and I recently introduced H.R. 2888, The "Television Violence Reduction Through Parental Empowerment Act." I'm pleased that this legislation is supported by a number of members of the subcommittee.

Simply put, H.R. 2888 would require all new television sets to contain a computer chip capable of blocking out individual, or groups of, channels, programs or time slots. The chip would also have to be capable of blocking out all programs with a violent rating. Additionally, the legislation calls upon the broadcast networks, independent television stations and cable and satellite programmers to protect parental rights by independently rating their programs.

Sadly, we cannot escape the fact that the environment children live in today has become decidedly more violent than the childhood that those of us on this subcommittee enjoyed. A recent CBS news report listed the seven top problems in public schools in 1940, according to teachers: talking out of turn; chewing gum; making noise; running in the halls; cutting in line; dress-code infractions; and littering. By 1980, the seven top problems in our schools, according to educators, were: suicide; assault; robbery; rape; drug abuse; and pregnancy. And as we have learned from our series of hearings on TV violence, children are influenced and often act out what they see on television.

Unfortunately, in more and more American homes, both parents work—preventing them from being home with their children after school, and preventing them from being present to decide what programs may be inappropriate for their children to watch. Also, new technologies capable of providing subscribers with literally hundreds of television channels make parents' efforts to prevent their children from watching excessive amounts of violence increasingly difficult. The only answer to this dilemma, in my opinion, is to provide parents with the ability to block out selected programs, shows with certain violent ratings, or entire channels—thereby protecting their children from violence on TV. The bottom line in this matter is that parents have a right and a responsibility to determine what programming their children watch.

This morning, the subcommittee will give special attention to the problem of television violence and its impact on minorities. I look forward to the testimony of our witness, newly-confirmed Surgeon General Jocelyn Elders. I am particularly interested in learning her views on H.R. 2888.

MR. MOORHEAD. And that my opening statement be placed in the record.

MR. MARKEY. Yourself and any other members of the Minority.
[The prepared statement of Mr. Moorhead follows:]

STATEMENT OF HON. CARLOS J. MOORHEAD

Thank you, Mr. Chairman. I want to commend you for continuing these hearings on an issue that affects all Americans—the level of violence shown on television. This issue is clearly one in which the American people have become extremely interested. Today's hearing is particularly important because we will also focus on the effects of the media's portrayal of minorities and minority participation in media management and production.

I believe that the impact of television violence on minority communities in our country has been significant. Violence in our Nation's urban areas has been devastating and continues to worsen. I commend the Congressional Black Caucus for encouraging the subcommittee to address this issue. I would also like to take this opportunity to welcome Dr. Elders and congratulate her in her new challenge as Surgeon General. I look forward to her testimony.

We have come to realize that television is an extremely powerful medium. It has been demonstrated in our earlier testimony that a nexus exists between this powerful medium and violence in our society. I am looking forward to exploring the issue of how negative depictions of minorities and minority stereotypes affect our Nation's children and families.

As result of your leadership, Mr. Chairman, this issue is getting the thorough attention that it deserves. The members and leadership of the Congressional Caucus should also be recognized for their efforts to heighten awareness on this important area of concern.

Mr. Chairman, I look forward to hearing the testimony of today's witnesses and I yield back the balance of my time.

Mr. MOORHEAD. I wanted to welcome our Surgeon General this morning.

Mr. MARKEY. Mr. Moorhead is the Ranking Member of the full Committee of Energy and Commerce.

Mr. MOORHEAD. I know these issues are all of a great concern to us, and I think one of the problems is that so many of our kids are left alone during the daytime, there is no one supervising what they watch. And so many parents really don't seem to care very much. So even if you had a button to push, I am afraid an awful lot of them that really should be watching their kids wouldn't even bother to do that.

I am concerned, however, just not about the violence, and I agree with you that there is a great difference of opinion about what violence is. In some rating, they have a pushing as being violent or a fight of some kind. But I think one of the biggest problems is that they are showing the most dramatic of violent explosions where people are shot and they blow up in all directions. That is the thing that I think disturbs the public more than anything else.

And in some way or the other, it would be very helpful if we could get the people that put on the television programs to agree to a different formula, as you suggest, of determining what is violent and to try to keep that violence down.

Do you have any ideas about how we can do that?

Ms. ELDERS. Well, you know, that is very difficult, but I agree. Now, I am not sure that it is parents that don't care very much. I think very often it is parents who don't know how to parent. You know, when we look at our young men in prisons, you know, it is very often children that have been born to children. And children just do not know how to be good parents, they don't even think about it. They don't even think that this has an effect on their children.

And I think that because we have so many single parents, 63 percent of our minority children are now single parents and 50 per-

cent of even our white children will at some time live in a home when there is only a single parent or these parents work.

I think that the industry needs to take on some responsibility. Many times on TV we reward the perpetrators. You know, the bad guy really ends up winning very often in our TV programs nowadays. And many times the violence they show what they call gratuitous violence, they don't even really need to show that kind of violence.

Mr. MOORHEAD. That is right.

Ms. ELDERS. These are the things that I think the TV could do that would not really hurt them in any way, and it may be very helpful to families and the children of America.

Mr. MOORHEAD. I think right along with this same subject, you know, the other night one of the networks had a program on showing teenagers, really young kids, 12, 13, 14 years old that had the—were out having sexual affairs almost on a regular basis. And I think sometimes television and other things encourage that.

We tell them that if they use condoms, that they are safe. They absolutely are not safe if they follow that method. But yet they think that they are invincible. They think there is no way that anything will happen to them.

I don't think we are doing enough to try to tell them in advance—every one of these girls said they wished they had never started down that path. But we aren't doing enough on the positive side of encouraging them of the benefits of keeping themselves a little bit straighter.

Ms. ELDERS. Well, you know, our society—we have not educated our children. We do too little too late and we certainly know that, you know, obviously absolutely the best is abstinence. We all know that.

Every mother I know teaches abstinence. Every preacher I know preaches abstinence. Every teacher I know teaches abstinence, but yet our children are not abstinent because we, as a society, do not support it.

Certainly we would like for them to be responsible, but if our children refuse to be abstinent, we would certainly like for them to be responsible. And I agree with you that condoms are not 100 percent safe. There are very few things other than abstinence.

Mr. MOORHEAD. They aren't even 75 percent safe.

Ms. ELDERS. Well, I think they are 75 percent safe, but be that as it may, we do want them to be responsible. And I have often said, given a choice and we often don't get these wonderful choices of my child, young child having a pregnancy or getting AIDS, I would personally get up at midnight and go out and buy the condoms for them myself.

Mr. MOORHEAD. What would you think of having a chip such as our chairman was talking about to stamp out certain sexually oriented programs. You know, there is a lot of families that try to teach their young people abstinence and yet so many of these programs that emphasize the need to have protected sex really tells the kids it is OK. It is all right to go down that path. And it gives them the wrong message.

I know that perhaps something could be—these programs could be done with a slightly different light, but they aren't.

Ms. ELDERS. We are talking about violence here. Maybe we need a sexual rating too or sexual rating and violence. Our TV's show that it is all right to jump in and out of bed. There is no consequence. Nobody ever gets sexually transmitted diseases. Nobody ever gets pregnant. You know, it is just really a very glamorous affair. And so that is certainly going on in our society. And we wonder why our children do it. Our children are mirrors of us.

Mr. MOORHEAD. We are never going to teach the older people very much at this point in life, but we can at least present a better light for the kids—

Ms. ELDERS. Absolutely.

Mr. MOORHEAD [continuing]. —Who aren't old enough to make judgments for themselves and so many of these kids are 12, 13, 14 years old. And they aren't old enough to make judgments.

Ms. ELDERS. You are absolutely correct. And so many of our children have been abused. Out of our young women who become pregnant, 66 percent of them were previously sexually abused. We have not addressed the sexual abuse problem. And when we look at childhood sexual abuse, we find that the average child abuser will abuse 250 different children during the course of their lifetime, yet our courts do not deal with this problem.

Mr. MOORHEAD. I know Connie Morella has been working on some of those subjects, but it would seem to me that with any—with family beatings, with child beating, with wife beating or husband beating, or whatever, it is—or sexual abuse, it is up to the authorities to clamp down on it the very first time it comes up or habits will be formed. And there is nothing you can do to recover the people who are perpetrating. You have got to jump down on it the first time. And if the family members would even be educated to know that when those things take place, it doesn't do any good to wait because it will only get worse.

Ms. ELDERS. There is no question, you are absolutely right. And this is why we need to start educating our children very early. We need to educate our parents. We have to educate our community. We have to educate our TV producers. You see, if nobody looked at what they showed, they would change, so we have got to police, you know, police them.

So you know, it is all of us. It is not just—it is not just parents. It is not just us. It is our entire society. And we have got to do what we need to do to save the most valuable resources we will ever have.

Mr. MOORHEAD. Well, if you could do just one thing and encourage. I am not much in favor of censorship, but if you can encourage the networks, the people that produce programs to bring the violence that they have down to the point where it isn't so dramatic, it won't be felt emotionally by people to that extent, and you won't find it repeated as you are getting it repeated out in society to as great an extent. It is an area that you need to do a lot of work in and, you know, you are new on the job.

Ms. ELDERS. Gentlemen, with the wonderful help of you and this committee, we hope that we can reduce the violence that our children are exposed to, whether it is on TV, in their homes, in their schools, or in their community, wherever we know that it is a problem, and it is a problem that we need to address.

Mr. MARKEY. Well, I know that progress is possible when you are agreeing with Carlos Moorhead. I know that we are on the right track, and we have definitely focused in on an issue where we can make some real progress.

Let me turn and recognize one final time the gentleman from New York.

Mr. TOWNS. I think the point that they agreed on is that something needs to be done. I am not sure what it was. Anyway, I think a comprehensive approach, as you indicated, is really something that needs to happen here and I think that it would not cost us any money. I think that is the point that we need to try to get across. Because if we were able to cut down on the amount of young people that are going to prison and to be able to put that money in Head Start and be able to put that money into after school programs, be able to sort of use some dollars to bring the church into the—to the picture in terms of getting some kind of leadership and direction from that particular group, then I think we some way or another have to do that.

I understand the problems that are around and all of that. But when we find ourselves in the crisis situation that we are in now, that we have to look at all the things that we might be able to do to turn it around, we also have to look at the possibility in terms of controlling in terms of how much violence our young people see if the networks are not going to cooperate in other ways.

So maybe what we could do is to look at those areas where we have the most problems and to develop a sort of pilot kind of program in those regions and then be able to monitor it and to see in terms of what will happen over a period of 2, 3 years, and et cetera.

And I think that this probably could serve as a real model for the Nation. I think we might be afraid to just jump totally in, but maybe a pilot kind of project that we would feel a lot more comfortable with it and look at an area where they really have problems.

And, incidentally, my district would be a good district to start that.

Mr. MARKEY. Well, thank you. The gentleman's time has expired. I thank the gentleman very much. I thank the gentleman for asking us to have a hearing on this subject.

As the Surgeon General, I know you can appreciate that the subcommittee is taking a surgical scalpel approach to this issue and that is why we have raised this issue of a violence chip that we can build into each television set, so that the parents can be the surgeons and determine which programs they think are appropriate without having to sit there all day long with their children. They can monitor by remote controls and do it without having to go through the TV Guide every day.

And that is really what our point is, that we need more empowerment in the hands of parents. We have to give them the tools which they need in order to protect their children. Your eloquent testimony this morning helps to reinforce the point of how important this issue is and that we must work together.

We look forward to working with you and the American Medical Association. You are, without question, the most powerful voice for public health in the community, but the American Medical Associa-

tion has endorsed this approach, and the American Psychological Association and others are working with us on this subject.

I think the more we are educated, and the more that the Congress understands what we can do legislatively, we will understand that there is not just a single solution. I look forward to working with you to encourage the industry, pressure the industry if necessary, to accomplish your very important task in this area.

Ms. ELDERS. Thank you very much.

Mr. MARKEY. Thank you. This hearing is adjourned.

[Whereupon, at 10:51 a.m., the subcommittee was adjourned.]

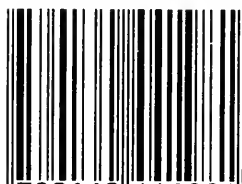


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